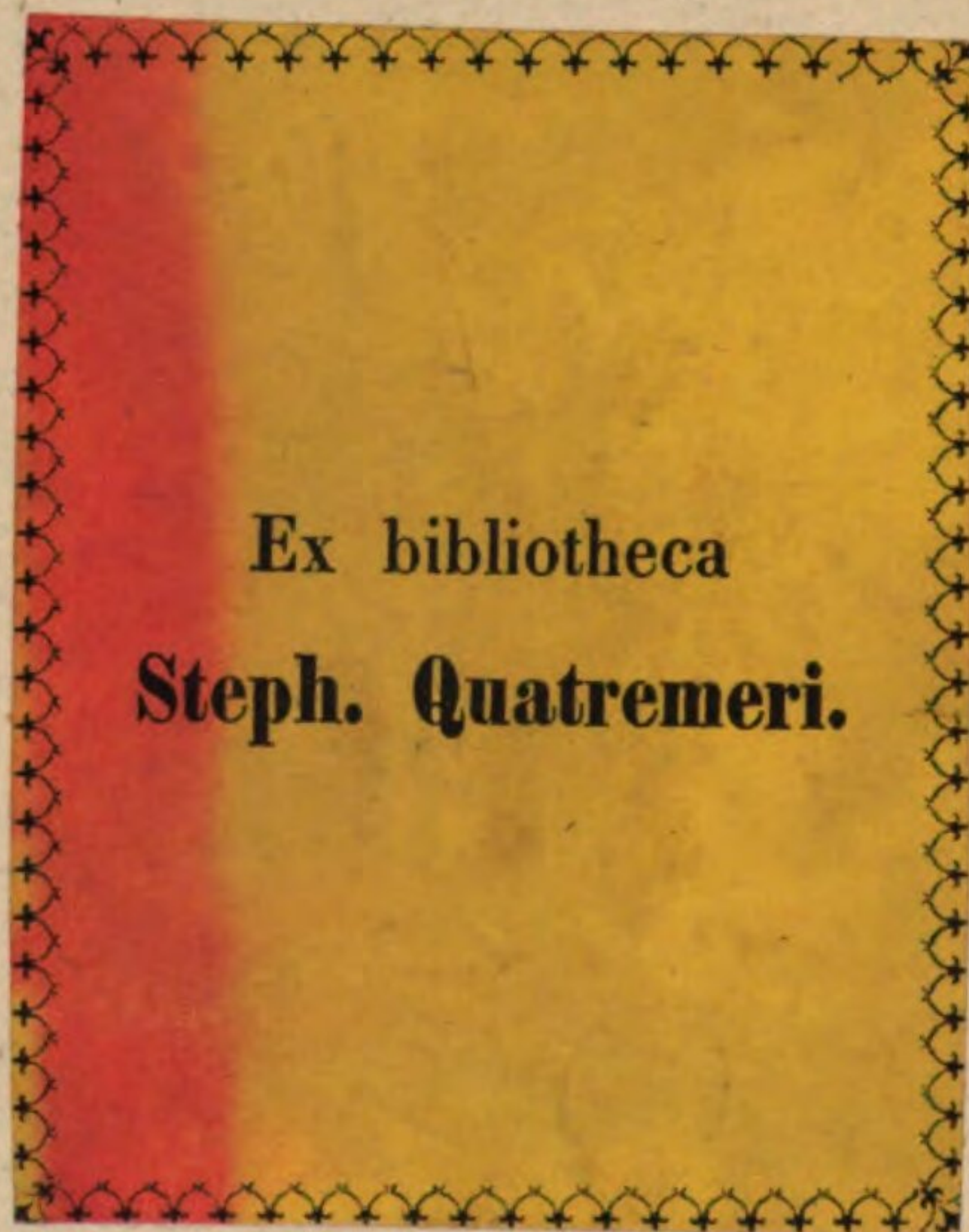


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A COMPANION TO THE
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In Two Volumes.
VOL. II.



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THE

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With, prefixed to each Volume,
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THE
LAWS
OF THE
ISLAND OF ANTIGUA.

31st GEORGE III. A. D. 1791.

An Act for reviving, and continuing, and amending an Act,
intituled, An Act for continuing and amending
an Act, intituled, An Act for laying certain Duties
on Licenses, to be taken out by all Persons acting
as Tavern Keepers, Punch-house Keepers, or Re-
tailers of Wine, Rum, or other Liquors; and im-
posing

VOL. II.

B

No. 474.

REVIVED
with correla-
tive Acts, by
Act of 30th
March, 1803,
(No. 573.)
See original
Act of 6th
Sep. 1788,
(No. 456.)

posing Duties on Rum, Cordial Waters, and other Strong Waters sold by Retail; and for applying the same.

No. 462.

ACT.
No. 462 to be
revived.
See No. 573.

No. 456.

Treasurer not
to grant Li-
cense, unless
Applicant ob-
tain Consent
of two Jus-
tices.

No. 456.

Free Negro or
Mulatto ob-
taining, on
Petition, Con-
sent of Court
of King's
Bench and
Grand Ses-
sions

WHEREAS an Act, intituled, *An Act for continuing and amending an Act for laying certain Duties on Licenses, to be taken out by all Persons acting as Tavern Keepers, Punch-house Keepers, or Retailers of Wine, Rum or other Liquors; and imposing Duties on Rum, Cordial Waters, and other Strong Waters sold by Retail; and for applying the same*; did expire on the second Day of December last, being the first Meeting of the Council and Assembly of this Island after the twenty-second Day of October, now last past; We, therefore, Your Majesty's most dutiful, loyal, and obedient Subjects, the Commander in Chief of Your Majesty's *Leeward Caribbee Islands in America*, and the Council and Assembly of this Island *Antigua*, humbly pray Your Most Excellent Majesty, that it may be enacted; and be it, and it is hereby enacted by the Authority aforesaid, That the said first recited Act shall be revived, and, with the Clause of Amendment hereinafter particularly mentioned, continued in force for the Space of three Years from the Date of this Act, and, from thence, to the next Meeting of the Council and Assembly of this Island.

II. And whereas, by the second Clause of the said Act, Persons selling any Rum, mixed or otherwise, or Cordial, or other Strong Waters, in less Quantities than forty Gallons, are directed to obtain a License for six Months, under the Hand and Seal of the Treasurer of this Island, or his lawful Deputy: And whereas it is necessary, that every Precaution should be taken in the granting of such Licenses, be it therefore enacted by the Authority aforesaid, That no such License shall be granted by the Treasurer, or his lawful Deputy, to any Person or Persons whomsoever, without such Person or Persons applying to, and first obtaining in Writing the Consent and Approbation of two of His Majesty's Justices, assigned to keep the Peace in the said Island.

III. And whereas by the fourteenth Clause of the said Act, it is enacted, That no License for the Sale of Rum, or other Cordial or Strong Waters, shall be granted to any free Negro or Mulatto; which Clause is conceived to be improper, and to require being amended; be it therefore enacted by the Authority aforesaid, That no such License shall be granted to any free Negro or Mulatto, unless he or she shall, previously, obtain the Approbation and Consent of the

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the Court of King's Bench and Grand Sessions of the Peace for the said Island, upon a Petition being duly presented for that Purpose; and any free Negro or Mulatto, so obtaining the Approbation and Consent of the said Court of King's Bench and Grand Sessions, upon entering into the Security required by the said Act, is hereby declared capable of taking such License.

sions, and entering into Security, may take License.

IV. And whereas the Duty on Rum, Cordial Waters, and other Strong Waters, has been collected and received, notwithstanding the last Act expired on the second Day of *December* last; be it therefore further enacted, That the Treasurer of the said Island of *Antigua*, and all other Persons by him employed, in collecting and receiving the said Duty, since the second Day of *December*, one thousand seven hundred and ninety, shall be indemnified from and against all and all Manner of Actions and Suits whatsoever, which shall be commenced or prosecuted against him or them, for or by reason of the Collection or Receipt of the said Duties, since the said second Day of *December*, one thousand seven hundred and ninety; and in any such Actions and Suits, it shall and may be lawful to and for the said Treasurer, or the Persons by him employed in collecting or receiving the said Tax, to plead the General Issue, and give the special Matter, and this Act in Evidence; and if upon the Trial of such Action or Suit, the Plaintiff or Plaintiffs shall discontinue or become nonsuit, or a Verdict shall pass for the Defendant or Defendants, or Judgment shall be given for the Defendant or Defendants, upon Demurrer or otherwise, the Defendant or Defendants shall and may recover double Costs, and have such Remedies for the same, as any Defendant or Defendants can or may have, in other Cases, where Costs are given by Law.

Indemnity to Treasurer and others, having acted under No. 462, since its Expiration.

Dated at *Antigua*, the fourteenth Day of *January*, in the Year of our Lord one thousand seven hundred and ninety-one, and in the thirty-first Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, and so forth.

THOMAS FREEMAN, *Speaker*.

Passed the Assembly, this thirteenth Day of *January*, one thousand seven hundred and ninety-one.

ANTHONY BROWN,
Clerk of the Assembly.

Passed the Council, this thirteenth Day of *January*, one thousand seven hundred and ninety-one. By Command,

WILLIAM MATHEWS,
Deputy Secretary.

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Nis. 474, 475.

A. D. 1791.

Passed by the Governor in Chief, the fourteenth Day of *January*, one thousand seven hundred and ninety-one.

THOMAS (L. S.) SHIRLEY.

Published this fourteenth Day of *January*, one thousand seven hundred and ninety-one.

ROBERT CLOGSTOUN, *Dep. Pro. Marshal.*

No. 475.

AMENDED by
Act of 22d
April, 1796,
(No. 509.)

CONTINUED
in last In-
stance, and

FURTHER
AMENDED by
Act of 16th
March, 1804,
(No. 578.)

PREAMBLE.

ACT.
Court of Com-
mon Pleas to
be established.

An Act for establishing Courts of Common Pleas, Error, King's Bench, and Grand Session; and for the better regulating and settling due Methods for the Administration of Justice.

WHEREAS nothing can conduce more to the Encouragement of Trade, and the Support of Credit, and effectually promote in all respects the Welfare and Reputation of this Island, than the establishing Courts of Judicature, wherein the Law may have its free Course, and Justice be constantly and impartially administered; We, therefore, Your Majesty's most loyal and obedient Subjects, the Governor in Chief of all Your Majesty's *Leeward Caribbee* Islands in *America*, and the Council and Assembly of Your Majesty's Island of *Antigua*, humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That a Court of Common Pleas for the said Island of *Antigua*, shall be established and held at the Court-house in the Town of *Saint John*, in the said Island, which shall be a Court of Record, and take Cognizance of, and hear and determine all civil Actions, whatsoever, which shall hereafter be commenced and prosecuted therein, and also all Suits already prosecuted in any Court of Common Pleas heretofore established in this Island, and still remaining undetermined, with as full Power and ample Authority as the Court of Common Pleas held at *Westminster*.

II.

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A. D. 1791.

II. And be it enacted by the Authority aforesaid, That the said Court shall consist of a Chief Justice, and four other Justices, either already appointed, or to be appointed from time to time, by His Majesty, His Heirs, or Successors, or by His said Majesty's Captain General and Governor in Chief, or Commander in Chief for the time being of His said Majesty's *Leeward Caribbee Islands in America*, by Commission or Letters Patent, under the Great Seal of the said *Leeward Caribbee Islands*; which said Justices, or any one or more of them, shall have full Power to proceed upon, hear, try, and determine all Causes and Suits which shall hereafter be commenced and prosecuted in the said Court, or which shall have been already commenced and prosecuted in any Court of Common Pleas heretofore established in this Island: except Issues in Law, which shall be heard and determined in Manner herein-after mentioned. And each of the said Justices, before he shall enter upon the Execution of his Office, shall take the usual Oaths required by Act of Parliament to be taken by Persons in Public Offices and Places of Trust, and also the Oath following in these Words:

To consist of Chief Justice, and four other Justices appointed by Captain General, or Commander in Chief.

Judges to take, with usual Oaths, following

I A. B. [naming himself] do sincerely swear, that I will not deny or delay Justice to any Person, but, with my utmost Care and Diligence, will perform the Office of Chief Justice (or Justice) of the Court of Common Pleas held for Antigua, according to the best of my Skill and Knowledge, in all Matters which shall come before me to be heard and determined, according to the Laws and Statutes of Great Britain in force in these Islands, and the Acts of this Island, and the general Acts of the Leeward Islands, without Interest, Partiality, Prejudice or Affection.

OATH.

SO HELP ME GOD.

Which Oath shall be administered to the Chief Justice in Council, who, being duly sworn, is hereby authorized and required to administer the same Oath to each of his Brethren so appointed as aforesaid: And in case of the Absence of the Chief Justice from Court, then the other Justices, or any of them, may and are and is hereby authorized to administer the said Oaths to each other. Provided always nevertheless, that neither the Chief Justice, or any other Justice, who was commissioned as Chief Justice, or Justices, of the Court of Common Pleas of this Island, established for this Island by the last Act of this Island for establishing the same Courts, shall be hereby deemed

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deemed to be displaced or removed from the Offices of Chief Justice or Justices.

Courts to be held the first Tuesday in every April, May, June, July, and August;

may be adjourned; so as Adjournment do not extend to next Court, nor exceed ten Days.

Notice of Adjournment to be given by Marshal to Judge not present.

No Suit to be abated or discontinued by Absence of Justices.

Writs to be issued in King's Name, and tested in Chief or Puisne Judge's.

Description of Seal for Process from Common Pleas.

III. And be it further enacted by the Authority aforesaid, That the said Court shall be held upon the first *Tuesday* in the Months of *April, May, June, July, and August*, next ensuing the Date of this Act, and so annually afterwards in each Year, at the said Court-house, in the Town of *Saint John* in this Island, and so in every Year. And the Justices of the said Court, or any one or more of them, are hereby empowered to adjourn the said Courts, provided the Time of such Adjournment doth not extend to the Time appointed for holding the next Court, and that each Adjournment of the last Court shall not exceed ten Days. And the Provost Marshal, or his lawful Deputy, is hereby required to leave a Notice in Writing of the particular Day to which such Court is adjourned, at the Dwelling-house of every Judge not present at the Adjournment of such Court, at least forty-eight Hours before the Day to which the Court is adjourned; and in Default thereof, the said Provost Marshal, or his Deputy, shall be fined by the Court, in any Sum not exceeding twenty Pounds; and shall stand committed until he pays such Fine.

IV. And be it further enacted by the Authority aforesaid, That no Action, Suit, or Process shall be abated, or discontinued, or put without Day, for or by reason of the Absence of the Justices of the said Court: But the said Justices may, at any other Time or Times as there shall be Occasion, meet again, and continue all such Actions, Suits, or Process to any other Day which they shall think proper.

V. And be it further enacted by the Authority aforesaid, That all Writs issuing out of this Court, shall run in His Majesty's Name, and be tested in the Name of the Chief Justice for the time being, or, in case of his Death or Absence from this Island, in the Name of the Puisne Judge of the said Court, in Commission on the Island; and the same Fee or Fees shall be paid into the Hands of the Secretary, for the Use of the Justice, as is, or are, or shall be due by Law or Docket.

VI. And be it further enacted by the Authority aforesaid, That all Writs and other Process issuing out of the said Court of Common Pleas, and all Exemplifications of Records remaining in the said Court, shall be sealed with a Silver Seal, in the Form of a Circle, (the Diameter of which shall be one Inch and two-tenth Parts of an Inch) with the following Impression cut or made thereon, *viz.* within an inner Circle, of the Diameter of one Inch, the Form or Figure of the

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the Crown of *Great Britain*, over the Word *ANTIGUA*; under which in the outward Circle the Figures 1791, and from thence, in the same outward Circle, the Words *COURT OF COMMON PLEAS*; which said Seal shall be provided by the Treasurer, as soon as conveniently may be after the Publication of this Act, and shall be constantly kept and remain in the Secretary's Office of this Island; and shall be first used as the Seal of the said Court of Common Pleas, upon the twentieth Day of *March*, next ensuing the Publication of this Act: But in the mean time, and until such Seal can be procured, all Writs, Process, and other Things shall be sealed in the usual Manner.

Seal to be provided by Treasurer; to remain in Secretary's Office.

VII. And be it further enacted, That all Writs and Process issuing out of the said Court of Common Pleas (except Writs of Subpoena to give Evidence, or other Writs or Process required by Law to be directed to any other Person or Persons) shall be directed to the Provost Marshal of the said Island of *Antigua*, or his lawful Deputy, except where he shall be a Party, and served by him, or his lawful Bailiff or Bailiffs. And the said Provost Marshal, or his Deputy, shall have the Care and Charge of the Common Jail of this Island, and receive all Persons lawfully committed to his Custody; and shall also be answerable for all Escapes of Persons taken or committed, upon or by Virtue of any Process whatsoever.

Writs and Process to be served by Marshal, except where he is a Party, &c.

Marshal to have the Care of Jail, and be answerable for Escapes.

VIII. And be it further enacted by the Authority aforesaid, That no Person shall be permitted to plead, or practise the Law, in this Island, or give Advice, in any Law Matter whatsoever, for Gain or Reward, until he hath, with the Approbation of the Court of Common Pleas, qualified himself in the said Court, by taking the Oaths required by Act of Parliament to be taken by Persons in Offices or Places of Trust, and also the following Oath:

Qualification to plead, or practise in the Court.

YOU shall swear, that well and truly you will serve the King's People, and all others who shall legally retain you, according to the best of your Knowledge and Learning, in the Laws of *Great Britain*, and the Laws of this Island; and you shall truly counsel and advise them that shall retain you, according to the best of your Skill; and you shall not defer, protract, or delay their Causes, any way to their Hurt or Disadvantage, for the sake of making Profit or Gain thereby, nor for Hope, nor Promise of Reward from any other Person.

OATH.

SO HELP YOU GOD.

Certificate

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A. D. 1791.

Certificate of
Oath to be
filed.

Person not
qualified as in
Clause, giv-
ing Advice in
Law Matter,
to forfeit 50l.

All Suits (ex-
cept in Eject-
ment, and by
Writ of *Scire*
facias) where
special Bail is
not required,
to commence
by suing, from
Secretary's
Office,

WRIT OF
SUMMONS.

To be served
by Marshal,
as in S. 10,
six Days be-
fore Sitting of
Court.

Certificate of the taking of which Oath shall be filed in the Secretary's Office, before any Person shall be deemed qualified as aforesaid. And if any Person or Persons, not duly qualified as aforesaid, shall presume to give advice in any Law Matter whatever for Gain or Reward, such Person or Persons shall, for each Offence, forfeit the Sum of fifty Pounds, to be recovered by Action of Debt, Bill, Plaint, or otherwise, in the said Court of Common Pleas; one half of which said Forfeiture shall go and be paid to His Majesty, His Heirs, or Successors, towards defraying the Public Charges of this Island, and the other Moiety to the Person or Persons who shall inform and sue for the same.

IX. And be it also enacted and ordained by the Authority aforesaid, That all Actions or Suits in the said Court of Common Pleas, (except Actions of Ejectment and Writs of *Scire facias*) where special Bail is not required, or cannot be demanded, by Virtue of this Act, shall be commenced by suing forth, from the Secretary's Office of the said Island of *Antigua*, a Writ of Summons, in the Form following, *videlicet*,

GEORGE the Third, by the Grace of God of Great Britain, France, and Ireland, King, Defender of the Faith, &c. &c. To our Provost Marshal of our Island of *Antigua*, or his lawful Deputy, greeting; We command you to summon A. B. to be and appear before the Justices of our Court of Common Pleas, to be held for this Island *Antigua*, the Day of _____ next, at nine of the Clock in the Forenoon of the same Day, at the Town of Saint John, then and there to answer C. D. of a Plea of Trespass upon the Case, or Trespass, or Debt, or otherwise, as the Case may be, and hereof you are not to fail, as you will answer the contrary at your Peril. Witness E. F. our Chief [or Senior] Justice of our said Court.

Which Writ of Summons shall be served upon the Defendant, or Defendants, in Manner herein-after mentioned, by the Provost Marshal of the said Island of *Antigua*, or his Deputy, or some other Person or Persons by him lawfully authorized, at least six Days, including the Day of Service, before the Sitting of the Court wherein the said Defendant or Defendants are summoned to appear; and the Secretary and Marshal shall be entitled to, and receive the same Fees, upon issuing and serving the said Writs of Summons, as they are now entitled to receive upon filing and serving Declarations, with Writs of Summons annexed; and the Secretary shall enter the Names

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Names of the several Plaintiffs and Defendants in each Action or Suit, in the same order in which the Writs of Summons are respectively issued, and shall number and file the Declarations upon such Writs of Summons accordingly.

X. And be it further enacted by the Authority aforesaid, That such Writ of Summons shall be served upon the Defendant or Defendants *in Person*, if he, she, or they, can be conveniently found; otherwise, such Writ of Summons shall and may be left at his, her, or their *most usual Place of Abode*: But if the Defendant or Defendants be absent from this Island, and hath or have any Letter of Attorney recorded in the Secretary's Office of this Island, or is or are possessed of any Plantation in this Island, then such Service may be, either upon the said Attorney, or upon the Manager or Overseer of such Plantation, in Person, or by leaving the said Writ of Summons at the most usual Place of Abode of such Attorney, or at the Dwelling-house of such Manager or Overseer: but if there be no Letter of Attorney recorded in the Secretary's Office, nor any Manager or Overseer, then the nailing up the said Writ of Summons, at the South Gate of the Court House, shall be deemed good Service thereof. And all Services of such Writs of Summons, either personally, or otherwise, shall be before Sun-set of the last Day of Service, or else shall be good only for the second Court after that Service: unless an Appearance be entered at the first Court, or the Service accepted by Consent. And the Marshal, or his Deputy or Deputies, who shall serve such Summons, shall prove the Service of the same in Court upon Oath; and the Time and Manner of such Service, with the Person's Name by whom such Service was made, shall be entered at large in the Secretary's Book.

XI. And be it further enacted by the Authority aforesaid, That the Plaintiff or Plaintiffs who sue out any Writ of Summons as aforesaid, shall, in the Forenoon of the Day next before the Day appointed for the Appearance of the Defendant or Defendants, cause a Declaration upon such Writ of Summons to be filed in the Secretary's Office of this Island, and a true Copy thereof to be delivered to such Defendant or Defendants, if he, she, or they shall apply for the same; and in Default thereof the said Writ of Summons shall immediately abate, and all Proceedings thereafter had thereon be held as null and void, and the said Defendant or Defendants shall recover the Sum of three Pounds and six Shillings for Costs, to be recovered by a Writ of Execution as in other Cases where Costs are given or recovered.

Writ to be served *personally* if Defendant found; otherwise, at *most usual Abode*:

If Defendant out of *Antigua*, on *Attorney* or *Manager*, or at *Attorney's* or *Manager's Abode*: where no Agent, nailing Writ on South Gate of Court House good Service.

Service to be before *Sun-set*.

Marshal to prove Service, &c.

Declaration to be filed in Forenoon of Day preceding Day of Appearance, and Copy delivered to Defendant applying; or Writ to abate, and Defendant to recover *3l. 6s.* for Costs.

No Process to issue in Name of Absentee, unless there be a Power of Attorney from Absentee proved and recorded in Secretary's Office.

Absentee's Attorney liable to Costs.

Where Cause of Action amounts to 16l. 10s. and Defendant is not a Freeholder, Plaintiff may sue out

WRIT.

Defendant, on Writ, to give special Bail as in S. 19.

XII. And for the better Prevention of litigious Suits, and for the securing of Costs where any Plaintiff or Plaintiffs is or are absent from this Island, and that such Suit may not be proceeded upon in the Name of such Person or Persons without his, her, or their Authority; be it enacted by the Authority aforesaid, That no Process whatever shall issue in the Name of such Person or Persons who shall be absent from this Island, unless there be a Power of Attorney, proved and recorded in the Secretary's Office of this Island, from such Person or Persons, or any one of them; and the Attorney or Attorneys of such Person or Persons shall, by Order of the Court, be subject and liable to all the Costs and Charges of the Suit, in such Manner as the Plaintiff or Plaintiffs might or would be, was or were such Plaintiff or Plaintiffs personally present; such Costs to be recovered by Attachment, or otherwise, as the Court shall direct.

XIII. And be it further enacted by the Authority aforesaid, That where the Cause of Action shall amount to, or exceed in Value the Sum of sixteen Pounds and ten Shillings, and the Defendant or Defendants shall not be a Freeholder or Freeholders, it shall and may be lawful to and for the Plaintiff or Plaintiffs to sue forth a Writ out of the Secretary's Office in the Form following, to wit,

GEORGE the Third, by the Grace of God of Great Britain, France, and Ireland, King, Defender of the Faith, &c. To the Provost Marshal of our said Island of Antigua, or his lawful Deputy, greeting; We command you, that you take [setting forth the Name or Names, and the present or late Addition of the Defendant or Defendants] if [he, she, or they] shall be found in our said Island of Antigua, and keep [him, her, or them] safely, so that you may have [him, her, or them] before the Justices of our Court of Common Pleas, to be holden for our said Island on the [setting forth the Day upon which such Defendant or Defendants are to appear] to answer [setting forth the Name of the Plaintiff or Plaintiffs] of a Plea of [Trespas upon the Case, Trespas, Debt, or otherwise, as the Case may be] to the Damage of the said Plaintiff or Plaintiffs, and have there this Writ; Witness [the Name of the Chief Justice, or Senior Assistant Justice of the said Court] this Day of in the Year of our Lord one thousand seven hundred and and in the Year of our Reign, &c.

Upon which Writ the said Defendant or Defendants shall be obliged to give special Bail, in Manner herein-after mentioned.

XIV.

ISLAND OF ANTIGUA.

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XIV. And for the more effectual Prevention of vexatious and malicious Arrests; be it also enacted and ordained by the Authority aforesaid, That no Person whatsoever shall be held to special Bail by Virtue of any Writ or other Process, unless, before the issuing of such Writ or other Process, the Plaintiff or Plaintiffs (or in Case of his, her, or their Absence from this Island, the Attorney or Attorneys of such Plaintiff or Plaintiffs) shall make Affidavit of the Cause of such Action, according to the best of his, her, or their Knowledge and Belief; which Affidavit may be made before any Judge of the Court of Common Pleas, or before the Officer who issues such Process, or his Deputy, which Oath such Officer or his Deputy are hereby empowered to administer; and for such Affidavit the Sum of six Shillings shall be paid and no more.

Affidavit of Cause of Action to be made before Writ is issued.

Fee for Affidavit 6s.

XV. And be it further enacted by the Authority aforesaid, That the Sum or Sums specified in such Affidavit shall be indorsed upon the Back of such Writ or Process, for which Sum or Sums so indorsed, the Provost Marshal, or his Deputy, or other Officer to whom such Writ or Process shall be directed, shall take Bail, and for no more; any Law, Custom, or Usage to the contrary notwithstanding.

Sum sworn-to to be indorsed upon Writ, and Bail taken for no more.

XVI. And be it further enacted by the Authority aforesaid, That when any Inhabitant of this Island who is not a Freeholder shall be arrested for any Sum under sixteen Pounds and ten Shillings, the Provost Marshal or his Deputy shall discharge such Person, upon such Person's signing an Indorsement to be made upon the Writ, that he or she doth promise to appear at the next Court of Common Pleas to be held for this Island, to answer or plead to any Declaration filed by the Plaintiffs; which Indorsement or Promise shall be as effectual to enforce the Appearance of the Defendant, as if he or she had been duly served with a Writ of Summons in Manner herein-after mentioned: Provided nevertheless, that such Defendant or Inhabitant shall, before he or she is discharged, go with the said Provost Marshal, or his Deputy, before some Justice of the Court, or some Justice of the Peace for this Island, and make Oath, that he or she is an Inhabitant of this Island, and not about to depart therefrom; and the said Justice shall certify, upon the said Writ, that the Defendant hath sworn himself or herself to be an Inhabitant of Antigua, for which no Fee shall be paid.

Inhabitant arrested for less than 16l. 10s. may be discharged upon signing Indorsement on Writ, undertaking to appear and plead.

Defendant, before Discharge, to make Oath to his being an Inhabitant, &c.

XVII. And be it further enacted by the Authority aforesaid, That if any Defendant or Defendants shall allege himself or herself to be a Freeholder, such Defendant shall give immediate Notice thereof to the said Provost Marshal, or his Deputy, who shall immediately inform the

Defendant alleging himself a Freeholder, to inform Plaintiff of it, through Marshal.

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Plaintiff may
insist on spe-
cial Bail.

Form of De-
fendant's
Plea.

Form of Plain-
tiff's Replica-
tion;

special Plea;
or Demurrer.

See S. 35, et
seq.

Nothing in
Clause to take
away Remedy
for illegal
Arrest.

Qualification
exempting
Freeholder
from Arrest.

the Plaintiff or Plaintiffs thereof; and if such Plaintiff or Plaintiffs shall nevertheless insist upon special Bail, then such Defendant shall be obliged to give special Bail, or in Default thereof, be committed to the Common Jail. And such Defendant shall and may plead, in Abatement to the Writ, that he or she is a Freeholder, and shall in such Plea shew particularly of what Estate of Freehold he or she is seised or possessed; to which Plea the Plaintiff or Plaintiffs may reply, that the Defendant is not a Freeholder, in Manner and Form as he or she hath above in Pleading alleged, and pray that it may be thereof inquired by the Country; or plead any other Matter specially, or demur to the said Plea, as such Plaintiff or Plaintiffs shall think proper; in which Case, the same Rules are to be observed as are herein-after directed with respect to Pleadings in other Suits. And if Judgment be given against the said Defendant or Defendants, upon a Verdict, or Demurrer, or otherwise, such Defendant or Defendants shall pay double Costs: and if Judgment shall be given against such Plaintiff or Plaintiffs, upon Verdict, Demurrer, or otherwise, or if such Plaintiff or Plaintiffs shall discontinue, or become nonsuit, he, she, or they, shall pay double Costs. Provided always, that Nothing herein-before contained shall extend, or be construed to extend, to prevent any Person or Persons, who shall be illegally arrested, from having and recovering such Damages for the illegal Detention of his, her, or their Person or Persons, as any Jury may think proper to give, in any Action or Suit brought for the Recovery thereof.

XVIII. And be it further enacted by the Authority aforesaid, That no Person whatsoever shall be exempt or privileged from Arrests as aforesaid, in Civil Actions between Party and Party, as a Freeholder within this Act, unless he has a FREEHOLD of *ten Acres of Land in actual Possession, or leased out for Years only, at ten Pounds per Annum Rent at least, current Money; or a Tenement in this Island, of the Value of twenty Pounds, current Money of Antigua, per Annum, in like Manner in Possession; or a Rent Charge, for his own, or some other's Life, of the Value of twenty Pounds like Money per Annum, issuing out of Lands, or Tenements in this Island, granted, or devised, by Deed, or Will, duly recorded.* And all MORTGAGERS of their Estates of Freehold of the aforesaid Quantity or Value, *continuing in Possession*, shall be deemed Freeholders within this Act, to be exempt from Arrests in such civil Actions: but not after the Mortgagee is in actual Possession by his Mortgage, be it a Mortgage for Years, or in Fee. Provided always, that where there are several Defendants,

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Defendants, and one or more of them shall not be a Freeholder or Freeholders; then, and in such case none of the said Defendants shall be privileged from Arrests: but all of the said Defendants shall be obliged to give special Bail.

When one of Defendants not a Freeholder, all must give special Bail.

XIX. And be it further enacted by the Authority aforesaid, That the Bail-bond to the Marshal shall be *CONDITIONED for the Appearance of the Defendant, at the next Court, to answer the Action, &c.* specifying in such Condition, the Plaintiff's Name, the Nature of the Action, and the Sum. And it is declared, that such APPEARANCE shall either be, by giving special Bail in Court, by the Defendant and two sufficient Sureties by Recognizance, conditioned to answer and make good the Judgment that shall be given in that Action; or to surrender the Defendant's Body as Law shall require: and in case no such Recognizance shall be given, and if the Defendant's Body be not surrendered at the same Court, and committed to the Marshal's Custody, and the Commitment entered in the Secretary's Court Book, (which Commitment and Entry the Defendant or his Sureties are in such Case at their Peril to get done to save their Bond,) then such Bond to be forfeited; and in case of Forfeiture of such Bond, the Bail-bond shall be assigned, on demand, without further Order, by the Provost Marshal, or his lawful Deputy, in a concise Manner on the Back, by an Indorsement, signed and sealed in the Presence of one or more Witnesses, to the Plaintiff, his Executors, or Administrators, and shall be suable in the Name of the Plaintiff, his Executors, or Administrators, as Assignees as aforesaid; and, in declaring thereon, no precise Recital or Producing need be of the Assignment: but the Plaintiff may declare as Assignee, or as Executor or Administrator of *A. B.* Assignee of *C. D.* now or late Provost Marshal, or Deputy Provost Marshal of *Antigua*, as the Case shall be. And the Court may, by Rule or Rules, give such Relief to the Plaintiff and Defendant in the original Action, and to the Bail upon the same Bond, as is agreeable to Justice and Reason; and such Rule or Rules of the said Court shall have the Nature and Effect of a Defeazance of such Bail-bond.

Form and Condition of Bail-bond.

Appearance to be, either by special Bail, to answer Judgment; or Surrender of Defendant's Body.

If Appearance not made as prescribed, Bond forfeited.

Bail-bond, if forfeited, to be assigned, on demand, to Plaintiff.

Latitude in declaring on it.

Court may give equitable Relief against Forfeiture of Bail-bond.

XX. And be it further enacted by the Authority aforesaid, That the Plaintiff shall have forty-eight Hours, and no longer, after special Bail put-in sitting the Court, and forty-eight Hours, and no longer, after due Notice of special Bail put-in before the Secretary, or his Deputy, in his Office, to except to the Defendant's Bail; and if there be an Exception, the Bail shall be obliged to justify

Plaintiff, after special Bail put-in in Court, or Notice of its being put-in before Secretary, to have forty-eight Hours to except to Bail.

On Notice of
Exception,
Bail to justify
on Oath.

Bail in Court,
&c. not justi-
fied in four
Days, no dis-
charge of Bail-
bond.

Defendant,
after Commit-
tal obtaining
special Bail,
to be discharg-
ed on Motion,
&c.

Special Bail
may be given
before Secre-
tary.

Twenty-four
Hour's Notice
for Plaintiff
to except.

Bail must be
given before
Judgment had
on Bail-bond.

Only one Ac-
tion on Bail-
bond to be
allowed in
Costs.

No *Scire fa-
cias* to issue on
Recognizance
of Bail, until
Execution
against De-
fendant issued
and returned;
and Monies
raised under
Execution to
go in dis-
charge

justify on Oath, in Court, or before one of the Justices of the said Court at his Chambers, and the Exception shall be entered in the Secretary's Book, under the Bail given, and Notice thereof in Writing given to the Defendant, or his Counsel, within the same forty-eight Hours; and if no Justification, within four Days after such Notice, then, upon Affidavit of such Notice of Exception, made before a Judge, and filed in the Secretary's Office, the Bail so given in Court, or before the Secretary, shall be no bar or discharge of the Bail-bond to the Marshal; and no Notice shall be required of the Bail given in Court. And a Defendant committed for want of special Bail, and afterwards giving special Bail, and due Notice of giving thereof, and such Bail allowed, and not excepted to in time, shall, on Motion in Court, or before one of the said Judges in his Chamber, be discharged; first giving twenty-four Hours Notice, in Writing, to the Plaintiff, or his Counsel, of the Time and Place of such Motion.

XXI. And be it further enacted by the Authority aforesaid, That where special Bail is not given sitting the Court, at the next Court precisely, according to the Condition of the Bond given to the Marshal: Yet special Bail may be given by Recognizance before the Secretary, or his Deputy, each of whom is hereby empowered to take the same, in his Office, when the Court is not sitting; so that Notice be given in Writing to the Plaintiff, or his Counsel, of the Names and Abode of the Persons being Bail before the Secretary, at least twenty-four Hours before the giving such Bail, that they may be excepted to if thought proper; so as such Bail, to be given before the Secretary, be given before Judgment had on the Bail-bond; but after Process on the Bail-bond, the same Bond shall not be discharged, without paying full Costs, and an Order of Court for discharging the same. Provided always, that if more than one Action is brought on such Bail-bond, no more than one Counsel's Fee for one Action shall be allowed in Costs.

XXII. And be it further enacted by the Authority aforesaid, That no Writ of *Scire facias* shall issue, or other Suit or Process be had, upon any Recognizance of Bail, until a Writ of Execution hath been issued against the Defendant or Defendants, for whom special Bail hath been given, and such Execution hath been returned in the Secretary's Office; and if any Monies shall be levied or received by the Provost Marshal, or his Deputy, under or by Virtue of the said Writ of Execution, the Bail may plead the same, and the Plaintiff or

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or Plaintiffs shall only recover Judgment for so much as remains due upon the said Recognizance, after deducting the Monies levied or received as aforesaid.

charge of Recognizance.

XXIII. And be it further enacted by the Authority aforesaid, That the Bail may surrender the Principal, at any Time before Judgment recovered against them; and such Surrender shall be by actually delivering him into the Custody of the Marshal, at the Common Jail; and the Marshal or his Deputy shall be obliged to give a Receipt under his Hand for the Persons so surrendered, with the Day and Year of the Surrender, or be liable to the Party injured, in an Action on the Case, for all Damages; and an Affidavit of such Surrender, duly made and sworn before a Judge in his Chamber, and filed in the Secretary's Office, with the said Receipt annexed, and an Entry, which the Secretary shall make, of such Surrender under the Recognizance of Bail, specifying the Day and Year of Surrender mentioned in the Marshal's Receipt, shall be a full Discharge of the Bail: Provided always, that in case of such Surrender, the *Scire facias* or Process against the Bail shall no way be discharged, without first paying in Court five Pounds Costs thereon; and such further Costs as the Court shall award; and also the Officer's Fees, incident to the Surrender, which they are or shall be lawfully intitled to receive.

Bail may surrender Principal at any Time before Judgment against Bail. Manner of Surrender.

Process against Bail not to be discharged till Bail pay 5*l.* Costs; other Costs awarded; and Officer's Fees.

XXIV. And be it further enacted by the Authority aforesaid, That in all Cases (except as herein-after provided) where any Defendant or Defendants shall be in Custody of the Marshal, by Virtue of any Writ issued out of the said Court of Common Pleas, either for want of special Bail, or by being surrendered to the Marshal by the Bail as aforesaid, and shall give Notice to the Plaintiff or Plaintiffs in the Action, or his, her, or their Counsel, in Writing, signed by such Defendant, or his, her, or their Counsel, of being in Custody, and demand a Declaration; the Plaintiff or Plaintiffs shall, in six Days after being served with such Notice, (exclusive of the Day of Service,) file a Declaration, in the Secretary's Office of this Island, against such Person or Persons so in Custody, in order that the Cause may be brought to a Trial as soon as may be: And in case the Plaintiff or Plaintiffs shall neglect to file such Declaration within the Time aforesaid, any Justice or Justices of the said Court in open Court, or any of the said Justices at his Chamber, may by Order to the Marshal or his Deputy, to be entered in the Secretary's Court Book, discharge such Person out of Custody, upon due Proof being made, by Affidavit, of the Service of the

Plaintiff to declare against Defendant in Custody, in six Days after Notice;

or, Defendant may, by Order of Judge, be discharged with Costs.

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the Notice hereby required, and on Certificate being produced, signed by the said Secretary, of no Declaration being filed in his Office by the said Plaintiff or Plaintiffs against the said Defendant or Defendants within the Time aforesaid: and such Justice or Justices in open Court, or Justice at his Chamber, shall, by the said Order, direct the Person or Persons who sued out the said Writ to pay to the said Defendant or Defendants, his, her, or their Costs, occasioned by the said Arrest, and the subsequent Proceedings before the Justice or Justices as aforesaid, to be taxed by the said Secretary. And in case the said Plaintiff or Plaintiffs, who sued out the said Writ, shall refuse immediately to pay to the said Defendant or Defendants such Costs, then an Execution shall issue for the same against such Plaintiff or Plaintiffs, and be proceeded upon in the same Manner as Executions for Costs have been hitherto proceeded on. Provided always, that where there are two or more Defendants to the Action, and one or more of such Defendants shall give Bail for his or her Appearance, at the next Court after such Writ sued out, and one or more of such Defendants shall be in Custody of the Marshal, for want of such Bail for his or her Appearance at the said Court, that in such Case, the Plaintiff or Plaintiffs shall not be obliged to file a Declaration against the Person or Persons in Custody, until the Bail for the Appearance of the other Defendant or Defendants shall either give special Bail as aforesaid, or surrender up the Person or Persons for whom such Bail for Appearance was given; but if such special Bail be given for the Defendant or Defendants out of Custody, then such Bail shall immediately receive a Declaration in the Original Action, against the Person or Persons for whom such Bail was given, and the Cause shall proceed to Trial against all the Defendants, at the Court when such special Bail was entered into; unless the Plaintiff or Plaintiffs shall, by Motion in open Court, pray to be allowed a further Day to file such Declaration, which the Court is hereby empowered to allow or disallow; so that such Indulgence does not exceed six Days at farthest from the Day on which the said Motion was made. And where such special Bail shall be given out of Court, or such Defendant or Defendants, for whom Bail for his or her Appearance as aforesaid was given, be surrendered to the Custody of the Marshal, then the Declaration against such Defendant or Defendants shall be filed within the Time herein-before mentioned. And all the Remedies hereby given to a Person in Custody where but one Defendant, in case of the Plaintiff or Plaintiffs neglecting to proceed

in

Where a Plurality of Defendants, some bailed, and some in Custody for want of Bail; Plaintiff not obliged to declare against those in Custody, until the rest are surrendered, or their Bail made special.

Court, on Motion, may grant Plaintiff six Days further to declare.

If Bail made special out of Court, or Surrender made to Marshal, Declaration as in first Part of Clause.

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in the Cause, shall extend in like Manner to every such Defendant for whom special Bail shall be given out of Court, or who shall be surrendered up after Bail given for his or her Appearance as aforesaid.

XXV. Provided always, That Nothing herein-before contained shall extend, or be construed to extend, to oblige any Heir, Executor, or Administrator, to give special Bail: except in such Cases where it is required by the Common Law or Statutes of *England* in force in this Island.

Act not to oblige Heirs, or Executors, to give special Bail, except where *Law of England* in force in *Antigua* requires it.

XXVI. And whereas some Persons fraudulently quit this Island without paying Debts due from them, and yet leave Attornies to receive Debts due to themselves; and other Persons, after Actions brought against them, receive Monies due to them, and waste or secrete the same, whereby Creditors, after the Trouble and Expense of obtaining Judgment at Law, cannot find any Estate or Effects to satisfy the same; be it therefore enacted and ordained by the Authority aforesaid, That all Debts due or owing to any Defendant or Defendants, absent or present, shall or may be attached or charged in the Hands of such Debtor or Debtors, immediately after any Writ of Summons, or Writ of *Capias*, against such Defendant or Defendants, hath been sued out and delivered to the Provost Marshal, or his Deputy, or a Declaration filed in the Secretary's Office against such Defendant or Defendants, in Manner following (that is to say) the Plaintiff or Plaintiffs, or some or one of them, or his, her, or their Attorney or Attornies, shall make an Affidavit or Deposition of the Sum of Money due and owing from such Defendant or Defendants, according to the best of the Knowledge and Belief of the Deponent and Deponents, before some Justice of the said Court of Common Pleas: which Affidavit or Deposition shall be filed in the said Secretary's Office, and a true Copy of such Affidavit or Deposition delivered unto the Debtor or Debtors of the said Defendant or Defendants, or his, her, or their Attorney or Attornies, or left at his, her, or their most usual Place of Abode; together with a Notice in Writing, signed by the Counsel of the Plaintiff or Plaintiffs, attaching all Monies then due, or thereafter to become due, from the said Defendant or Defendants, or any or either of them, as the case shall require; and requiring the Person or Persons upon whom such Attachment shall be made, or to whom such Notice shall be directed, to keep and retain in his, her, or their Hands the said Monies, or so much thereof as will be sufficient to pay and satisfy the Sum of Money mentioned to be due in or by the said

Debts due to any Defendant may be attached.

See Act No. 24.

Manner of laying Attachment.

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Affidavit or Deposition, and all Interest due and to grow due thereon; if any Interest payable or to grow due thereon; to be paid and applied according to Law, or to the like Purport or Effect.

Debtor to Defendant, served with Attachment, to retain Monies due,—till Action determined.

XXVII. And be it further enacted by the Authority aforesaid, That such Debtor or Debtors, or the Person or Persons upon whom such Notice or Attachment shall be served as aforesaid, shall retain and keep in his, her, or their Hands all and every Sum and Sums of Money, which at the Time of serving such Notice or Attachment was or were due, or at any Time afterwards shall or may become due or owing, unto the Defendant or Defendants, until the Action or Suit mentioned in the said Notice or Attachment hath been tried and determined, and Judgment given thereupon: so as that such Trial and Judgment be had in the usual Time for trying and obtaining Judgment in other Actions, unless otherwise ordered by the Court. And after Judgment obtained, the Monies so attached shall and may be recovered in the same Manner and Form as is hereinafter directed touching Debts levied upon, under, or by Virtue of Writ or Writs of Execution. And if the Debtor or Debtors, after such Notice or Attachment, shall either directly, or indirectly, pay or cause to be paid, or discount, or settle in any Manner whatsoever, any Monies unto, or to or for the Use of the said Defendant or Defendants, such Debtor shall be liable and compelled to pay the said Debt or Monies, or so much thereof as may be necessary, over again to the Person or Persons entitled to receive the same under or by Virtue of this Act.

After Judgment, Monies attached to be recovered as under Executions, S. 90. *et seq.*

Debtor to repay Monies paid to Defendant after Attachment.

Slaves or real Estate sold after Commencement of Suit, liable, in Hands of Purchaser, to Sums recovered on Suit;

XXVIII. And be it further enacted by the Authority aforesaid, That all Slaves, Lands, Tenements, Hereditaments, Rent Charges, and Annuities issuing out of Lands and Tenements, sold by the Owner or Owners thereof, being Persons exempt from Arrests by Virtue of this Act in Civil Actions, after any Action at Law or Suit in Equity shall be commenced or brought against him, her, or them in any Court of Law or Equity in this Island, by filing a Declaration, or Bill in Chancery, in the Secretary's Office of this Island, shall be chargeable with all such Sum or Sums of Money as shall be actually and *bonâ fide* recovered on the said Suit or Suits so commenced against him, her, or them, either in Law or Equity. And all the Slaves, Lands, Tenements, Hereditaments, Rent Charges, and Annuities so alienated, or otherwise disposed of, are hereby declared liable to be taken and sold for the Payment of the Monies so recovered, as if they had still remained in the actual Custody and Possession of the former Proprietor or Proprietors thereof, unalienated or

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or otherwise disposed of: Provided always, *that such Suits in Equity which are already commenced by a Bill filed, be brought to a Hearing respectively, and either an interlocutory Order or final Decree, be thereon made, within one Year next after the Date of this Act; and that all such Suits in Equity as shall hereafter be commenced by filing a Bill, shall be prosecuted so effectually, as that either an interlocutory Order, or final Decree, shall be thereon had in two Years after such Bill filed; and all such Suits at Law hereafter to be commenced shall be so effectually prosecuted, as that within two Years after first entering thereof, there shall be Judgment thereon; or else such Purchaser not to be any way bound or affected thereby.*

[Provision in Part temporary.]

if interlocutory Order, or Decree,—or Judgment,—had on Suit in two Years.

XXIX. And be it further enacted by the Authority aforesaid, That in case any Person or Persons, after the Commencement of any Suit against him, her or them, shall place in the Hands of any Person in this Island, or otherwise secrete, any Part of his, her, or their Goods and Chattels, or other personal Estate, the same shall be liable to be levied on, as though they were in the Defendant's own Hands; provided such Suit be brought to a Hearing or Judgment, within the Times herein-before mentioned.

Personal Estates secreted, after Commencement of Suit, liable.

XXX. And be it further enacted by the Authority aforesaid, That Actions of Ejectment may be commenced and brought to Trial, in *feigned Names*, for any LANDS or TENEMENTS in this Island; the Proceedings thereon to be as near as may be to the Practice of the Court of Common Pleas at *Westminster*. And where there are any Slaves, Coppers, Stills, Cattle, Horses, Asses, Mules, and other live or dead Stock, upon or belonging to any Plantation or Plantations in this Island, the said Plantation, Slaves, Coppers, Stills, Cattle, Horses, Asses, Mules, and other live and dead Stock, shall and may be recovered altogether, in one Action of Ejectment, but not in separate Actions. And if there are several Defendants or Tenants, who claim separate Parts or Parcels of the Lands, Tenements, Slaves or other Things sued for, each of such Defendants shall give in Writing, under his, her, or their Hands, a Note or Description of the Particulars which he, she, or they respectively claim; and a Declaration or Declarations shall be accordingly filed against such Defendant or Defendants respectively; which shall be tried and determined, as near as may be, to the Practice of the said Court of Common Pleas at *Westminster*.

Ejectments for real Estate, may be brought in feigned Names; shaped after C. P. Process at *Westminster*: where Slaves and Plantation-Stock; in same, not separate Actions.

Defendants, having separate Claims, to deliver separate Particulars, and receive, each, a Declaration.

XXXI. And be it further enacted by the Authority aforesaid, That where any Bill or Bills of Exchange hath been, or shall be returned legally *protested*, in *Great Britain*, or elsewhere, to the Preju-

Protested Bills of Exchange to carry six per Cent. Interest

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terest till paid
—with ten per
Cent. on Prin-
cipal, for Da-
mages.

dice of any Merchant, Trader, or other Person, it shall and may be lawful, to and for any Person, so aggrieved or damaged thereby, to commence an Action on the Case against the Drawer or Indorser of such Bill or Bills of Exchange, and to recover, upon such Action, Interest, after the Rate of six *per Centum per Annum*, on the same, besides the principal Money, and also Damages after the Rate of ten *per Centum*, such Damages to be upon the principal Sum only; and the Interest to be computed from the Day of the Protest of the said Bill, until the Day the Jury shall find their Verdict; and the principal Sum for which the said Bill was given shall carry Interest, at the Rate of six *per Centum*, until the Plaintiff shall be paid his Debt and Costs.

Promissory
Notes may be
sued for,
though not ex-
pressed for
Value receiv-
ed.

Promissory
Notes for Va-
lue received
and payable
to Drawer, or
Order, assign-
able as Inland
Bills of Ex-
change.

But Actions
to be within
legal Limita-
tions. See No.
163, S. 13.

In Actions on
Bonds for
Performance
of Covenants,
several
Breaches may
be assigned—
Jury to assess,
besides usual
Damages, Da-
mages for
each Breach
proved.

XXXII. And be it further enacted by the Authority aforesaid, That all Notes, called Promissory Notes, heretofore given, or hereafter to be given, payable to any Person, shall and may be recovered, and sued for with full Effect, although no Consideration expressed in them for Value received, or otherwise; or if expressed for Value received, and if made payable to Drawer, or Order, then shall be assignable, endorsable, and negotiable, and suable by, for, or against Drawer or Drawee, or Endorser or Endorsee, as if they were Inland Bills drawn according to the Custom of Merchants; and after Demand and Refusal to pay, lawful Interest shall be allowed by a Jury against the Drawer or Endorser neglecting or refusing to pay the same, from the Time of the Demand; and such Notes may be declared on, as near as Reason permits, to the Manner of declaring on Promissory Notes, or Inland Bills of Exchange respectively, as used now commonly in *England*: But Actions thereon shall be within the Act or Acts of this Island, made or to be made for limiting Actions on Assumpsit.

XXXIII. And be it further enacted by the Authority aforesaid, That in all Actions upon Bond or Bonds, or for any Penalty, for Non-performance of Covenants or Agreements, in any Indenture, Deed, or Writing contained, the Plaintiff or Plaintiffs may assign as many Breaches as he or they shall think fit: and the Jury, upon the Trial of such Action or Actions, shall and may assess, not only such Damages and Costs of Suit as have heretofore been usually done in such Cases, but also Damages for such of the said Breaches so to be assigned, as the Plaintiff upon the Trial of the Issue shall prove to have been broken; and that the like Judgment shall be entered upon such Verdict as heretofore hath been usually done in such like Cases.

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And if Judgment shall be given for the Plaintiff, on a Demurrer, or by Confession, or Default, the Plaintiff on the Roll may suggest as many Breaches of the Covenants and Agreements as he shall think fit; upon which shall issue a Writ of Summons, to be formed for that Purpose, reciting the Judgment and Breaches briefly, and requiring the Defendant to appear at the next Court, to attend the assessing Damages on the several Breaches; at which Court the Jury shall enquire of and assess Damages; and if the Defendant attend, he may examine Witnesses concerning the Breaches on his own Behalf; and if he make Default to attend, the same shall be enquired of by the Jury, at the same next Court, without further Delay; and such Summons shall be served by the Marshal, if the Defendant be a Freeholder exempt from Arrests; and if not a Freeholder, and Counsel appear for the Defendant, then on the Counsel; and if no Counsel for the Party, not being a Freeholder, then to be nailed up at the South Gate of the Court-house, and such Service or Nailing-up to be in such Time as a Summons against a Freeholder ought to be served. And in case the Defendant or Defendants, after such Judgment entered, and before any Execution executed, shall pay into the Court where the Action shall be brought, to the Use of the Plaintiff or Plaintiffs, or his or their Executors, or Administrators, such Damages so to be assessed by reason of all or any of the Breaches of such Covenants, together with the Costs of Suit, a Stay of Execution of the said Judgment shall be entered upon Record; or if by reason of any Execution issued, the Plaintiff or Plaintiffs, or his or their Executors or Administrators, shall be fully paid or satisfied all such Damages so to be assessed, together with his or their Costs of Suit, and all reasonable Charges and Expenses for executing the said Execution, the Body, Lands, or Goods of the Defendant shall be thereupon forthwith discharged from the said Execution, which shall likewise be entered upon Record: But notwithstanding, in each Case, such Judgment shall remain, continue, and be as a further Security, to answer to the Plaintiff or Plaintiffs, or his or their Executors or Administrators, such Damages as shall or may be sustained for further Breach of any Covenant or Covenants in the same Indenture, Deed, or Writing contained; upon which the Plaintiff or Plaintiffs may have a *Scire facias* upon the Judgment, against the Defendant, or against his Heirs, or Terre-tenants, or his Executors or Administrators, suggesting other Breaches of the said Covenants or Agreements, and to summon him or them respectively to shew Cause why Execution shall not be had or awarded upon the said Judgment;

Where Judgment on Demurrer, &c. Plaintiff may suggest several Breaches on Roll.

Writ of Summons, requiring Defendant to attend Assessment of Damages.

Manner of Service.

If Damages satisfied, and Costs paid, Proceedings to cease.

But Judgment to remain cautionary against further Breach or Damage.

On further Damage, Plaintiff may have *Scire facias*, suggesting Breaches, and summoning Defendant to shew Cause against Execution.

upon

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Other Pro-
ceedings as
before.

upon which there shall be the like Proceedings as were in the Action of Debt upon the said Bond or Obligation (or Penal Sum) for assessing of Damages, upon Trials of Issue joined upon such Breaches, or enquiring thereof upon a Writ to be awarded in Manner as aforesaid; and that upon Payment or Satisfaction in Manner as aforesaid, of such future Costs, and Damages, and Charges as aforesaid, all further Proceedings on the said Judgment are again to be stayed and so *toties quoties*; and the Defendant, his Body, Lands and Goods, shall be discharged out of the Execution as aforesaid.

Where several Plaintiffs or Defendants, and one dies, Action not to abate, if Cause of Action survives.

XXXIV. And be it further enacted by the Authority aforesaid, That if there be two or more Plaintiffs or Defendants, and one or more of them shall die, if the Cause of Action shall survive to the surviving Plaintiff or Plaintiffs, or against the surviving Defendant or Defendants, the Writ or Action shall not be thereby abated: but, such Death being suggested upon the Record, the Action shall proceed, at the Suit of the surviving Plaintiff or Plaintiffs, against the surviving Defendant or Defendants.

Several Pleas, not more than three, may be pleaded, by Leave of the Court.

XXXV. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for any Defendant or Tenant in any Action or Suit, or for any Plaintiff in replevin, with Leave of the Court, to plead as many several Matters thereto as he shall think necessary for his Defence; so as he does not plead more than three Pleas by pleading such several Matters. Provided always, That if any such Matter shall upon Demurrer joined be judged sufficient, Costs shall be given at the Discretion of the Court; or if a Verdict shall be found, upon any Issue in the said Cause, for the Plaintiff or Defendant, Costs shall be also given in the like Manner; unless the Court shall be of Opinion, that the said Defendant, or Tenant, or Plaintiff in replevin, had a probable Cause to plead such Matter, which upon the said Issue shall be found against him. Provided always, That Nothing herein-before contained shall extend to any Writ, Declaration, or Suit of Appeal of Felony, or Murder; or to any Indictment of Treason, Felony, or Murder, or other Matter; or to any Process upon any of them; or to any Writ, Bill, Action, or Information, upon any Penal Law or Statute.

On Demurrer, Opinion of Court, as to Defendant's having probable Cause for Pleas,—to regulate Costs.

Nothing in Clause to extend to Pleadings in Case of Felony or Murder, or Proceedings on Penal Laws.

XXXVI. And be it further enacted by the Authority aforesaid, That no dilatory Plea shall be received in any Court of Record, unless the Party offering such Plea do by Affidavit prove the Truth thereof, or shew some probable Matter to the Court, to induce them to believe that the Fact of such dilatory Plea is true.

No dilatory Plea to be received without Affidavit, or probable Cause shewn that Plea is true.

XXXVII.

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XXXVII. And be it further enacted by the Authority aforesaid, That all Statutes, made in *England*, for the helping of Jeofails or Mispleadings, shall be of force within this Island; as far as the same Statutes, or any Part of the same Statutes, do provide for such Jeofails or Mispleadings only.

English Statutes relating to Jeofails to be in force in Antigua.

XXXVIII. And be it further enacted by the Authority aforesaid, That in Actions, on Bonds and Bills penal, for Payment of less Sums of Money, the Defendant may plead Payment of the Money mentioned in the Condition generally, and need not plead it precisely at or before the Day; and if Issue be joined upon such Plea, the Jury shall enquire what is due, and if the same be all paid shall find for the Defendant; and if any Thing due, shall enquire and settle and find for the Plaintiff what is due distinctly for Principal, and Interest; and in such last Case, Judgment shall go for the Plaintiff for the Penalty, to remain cautionary, for the Payment of the whole Sum that shall be then due for Principal and Interest, with Interest as aforesaid upon the whole principal Sum then due, from the Day of the Verdict until Payment: unless otherwise stipulated in the Condition or Bill, in which Case the Interest to be accordingly.

In Actions on Bonds or Bills penal, Payment may be pleaded generally.

If Sum paid, Jury to find for Defendant; unpaid, or partly paid, Jury to settle Principal and Interest.

Judgment, in last Case, to be for Plaintiff, and remain cautionary.

XXXIX. And be it further enacted by the Authority aforesaid, That Payment after Judgment shall and may be pleadable to a *Scire facias* or Debt on a Judgment; and the Jury shall enquire and settle what is due, if the Defendant plead such Plea. And where there is Money due, from the Defendant to the Plaintiff, both on Bond and Specialty, and on simple Contract, or on Specialty, Bond, and Judgment also, and Payments have been made generally, such Payments shall be adjudged and allowed, and shall be applied as follows, *viz.* First towards the simple Contract, as far as necessary to discharge the same; but if there be no simple Contract it shall be allowed as Payment, first towards the Bond or Specialty; and if there be a Judgment also, the last Application shall be towards such Judgment; unless there be a Receipt, or Discharge in Writing, specifying it to be expressly towards the Bond, or towards the Judgment; or that there was no simple Contract or Specialty due at the Time such Payment was made, whereto the Application might be made.

Payment after Judgment may be pleadable to Scire facias or Debt.

Where Defendant indebted both on Bond and simple Contract, and Payments have been made generally, they are to be taken as made, first, on Account of simple Contract; secondly, of Bond; lastly, of Judgment.

XL. And be it further enacted by the Authority aforesaid, That where there are mutual Debts between any Plaintiff or Plaintiffs, and Defendant or Defendants, or, if either Party sue or be sued as Executor or Administrator, where there are mutual Debts due to or from the Testator or Intestate, and either Party, one Debt may be set against the other; and such Matter may be given in Evidence upon

Mutual Debts between Plaintiff and Defendant may be set-off;

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So as Notice
and Particu-
lars of Debt
be delivered
six Days be-
fore Trial.

Sum allowed
by Jury, in
discount,— to
be recorded.

upon the General Issue, or pleaded in Bar, as the Nature of the Case shall require: so as where any such Debt of the Plaintiff or Plaintiffs, or his, her, or their Testator or Intestate, is intended to be insisted on in Evidence by the Defendant or Defendants, Notice shall be given in Writing to the Plaintiff or Plaintiffs, or his, her, or their Counsel or Attorney, six Days before the Trial of the Cause, (inclusive of the Day of serving such Notice,) of the particular Sum or Debt so intended to be insisted on, and upon what Account it became due; or otherwise such Matter shall not be allowed in Evidence upon the General Issue. And to prevent all future Disputes that may arise touching the Matter so given in discount, the Person or Persons, giving such Notice of Discount as aforesaid, shall, immediately after the Jury shall have given their Verdict, make out an Account of all such Matters as shall be allowed by the Jury upon such Discount; which Account shall be signed by the Foreman of such Jury, and annexed to the Proceedings in the Cause where such Discount shall be given, and filed and left in the Secretary's Office of this Island, and there recorded at length, among the Proceedings in the said Cause.

XLI. And whereas many Plaintiffs are often desirous of declaring for, or stating the Damage in his, her, or their Action, at the Sum or Sums of Money, really, due and owing, upon a fair Settlement of Accounts: but are deterred therefrom, least the Defendant or Defendants should set-off some Debt or Demand, equal to or exceeding the Balance or Sum then demanded or sued for, and thereby compel the said Plaintiffs to become nonsuit: And whereas it often happens that there have been very considerable Dealings between such Plaintiffs and Defendants, but, upon a fair Settlement of Accounts, the Balance or Sum really due may be small or inconsiderable, and by reason of such Plaintiffs declaring for such Sum or Sums of Money, as will be sufficient to include or cover the whole of his, her, or their Debt or Demand, without deducting therefrom, or allowing for the Sum or Sums of Money due to the Defendant or Defendants, such Defendant or Defendants have often been very much injured in their Credit, and, in consequence thereof, other Suits have been immediately commenced against them; be it therefore enacted and ordained by the Authority aforesaid, That it shall and may be lawful to and for any Plaintiff or Plaintiffs, if he, she, or they shall think proper, in any Action of Trespass upon the Case, to declare for, or state his, her, or their Damage at the Sum or Sums of Money supposed to be then, really, due or owing from the Defendant or Defendants;

Plaintiff may
declare for
what is sup-
posed to be
due on Ba-
lance.

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Defendants ; and if such Defendant or Defendants shall give Notice of an Intention to make any Set-off in or to such Action, it shall and may be lawful to and for such Plaintiff or Plaintiffs, at the Trial of such Action, or in any future Action or Suit between the same Parties, or their or either of their Representatives, to give in Evidence, and shew to the Jury, that the Sum or Sums of Money intended to be set-off have been already discounted with, and credited or allowed to such Defendant or Defendants, in the Account for the Balance whereof the said Action hath been brought, or any former Verdict or Judgment obtained ; and the Jury, upon the Trial of such Action, shall find a Verdict for so much as upon a fair Settlement of Accounts shall appear to be then actually due to such Plaintiff or Plaintiffs ; or, if Nothing shall appear to be due, shall find a Verdict for the Defendant or Defendants.

If Notice of Set-off given, Plaintiff may give in Evidence that Sum offered to be set-off has been already credited.

Jury to find for so much as, on fair Settlement, appears due: If Nothing due, to find for Defendant.

XLII. And be it further enacted by the Authority aforesaid, That in all Actions of Trespass upon the Case, for Goods sold and delivered, Money had and received, lent or paid, laid out and expended, the Plaintiff or Plaintiffs, or his, her, or their Counsel, shall, within six Days after a Request in Writing, signed by the Defendant or Defendants, or his, her, or their Counsel, deliver unto such Defendant or Defendants, or his, her, or their Counsel, a Note or Account in Writing, of the particular Charges or Demands which such Plaintiff or Plaintiffs means or intends to insist upon, or give in Evidence at the Trial of the Cause ; and the Defendant or Defendants shall not be compelled to appear or plead to the Action, until such Account has been given : provided such Request be made in due Time, so as not to occasion any Delay in the Proceedings or Trial of the said Cause.

In Actions of Assumpsit, Plaintiff to deliver Account of Demand in six Days after Request of Defendant.

XLIII. And be it further enacted by the Authority aforesaid, That where any special Plea or Demurrer is pleaded or filed, to any Action or Suit commenced in the said Court of Common Pleas, such special Plea or Demurrer shall be filed in the Secretary's Office, at least fifteen Days before the holding of the next Court after filing of the Declaration ; and the Defendant or Defendants, or his, her, or their Counsel, shall, within thirty-six Hours after the filing of such special Plea or Demurrer, give Notice to the Plaintiff or Plaintiffs, or his, her, or their Counsel, of the filing thereof ; or in Default thereof, the said Plea or Demurrer shall be set aside, and the Defendant or Defendants obliged to plead the General Issue, and go to Trial at the said next Court ; unless the Court, upon good Cause shewn, and Payment of Costs, shall think proper to order such Plea or Demurrer

Special Plea or Demurrer to be filed fifteen Days before next Court after Declaration ; and Notice given in thirty-six Hours : or Defendant to plead General Issue.

Exception.

Replication or Joinder in Demurrer in five Days;

Rejoinder or Demurrer, thirty-six Hours;

Further Pleadings thirty-six Hours, after Notice of previous Pleading.

Judgment against Defaulter unless Court enlarge Time.

Pleadings to be signed by Council.

Special Verdict or Demurrer to be determined by Chief Justice and two other Justices.

In case of Justice absent or interested,—by two Justices *min.*

If but one Justice present, he may adjourn the Hearing.

If no Court, Chief Justice, on Application of either Party's Counsel, may appoint another Day.

to be accepted: And where any special Plea or Demurrer hath been duly filed, the Plaintiff or Plaintiffs shall file a Replication, or Joinder in Demurrer, within five Days, next after the Day upon which Notice was given of the filing such special Plea or Demurrer; and the Defendant or Defendants shall, within thirty-six Hours after Notice of filing a Replication, file a Rejoinder, or Demurrer: And if any further Pleadings are had between the Parties, the same shall be respectively filed in the Secretary's Office, within thirty-six Hours after Notice given of a Sur-rejoinder, Demurrer, or other Pleading, from either Party; or in Default thereof, Judgment may be entered against the Party so making Default, unless the Court, upon Cause shewn, and Payment of Costs, shall think proper to enlarge or dispense with the Time herein-before limited. And all Declarations, Demurrers, and other Pleadings, shall be signed, before filing, by some Counsel qualified to practise in the said Court, as herein-before required.

XLIV. And be it further enacted by the Authority aforesaid, That where any special Verdict is found, or Demurrer joined, in any Cause or Suit, such special Verdict, or Demurrer, shall be heard, adjudged, and determined, by the Chief Justice, and any two of the Justices of the said Court, on such Days and Times as shall be appointed by the Court: And if there shall not be two Justices in the said Island, or either of the said Justices shall be a Party in the said Suit, then by the said Chief Justice, and any one of the Justices, not being a Party in the said Suit: But if it shall happen that the said Chief Justice shall be absent from the said Island, unable to attend, or a Party in the said Suit, then such special Verdict or Demurrer, shall and may be heard, adjudged, and determined, by any three Justices of the said Court, if there shall be so many present in the said Island of *Antigua*, and if not, then by any two of the said Justices. And if a sufficient Number of Justices shall not appear at the Day appointed, to hear the said Verdict, Demurrer, or special Matter argued, then such Default shall be no Discontinuance: but any one Justice may adjourn the Court, and appoint any other Day, for hearing the said Verdict, Demurrer, or special Matter argued, and giving Judgment thereon; and so adjourn, from time to time, as Occasion shall require. And in case no one Justice shall appear at the Day, then the Cause shall not be discontinued for want of Adjournment, but the Chief Justice, if no Party, nor sick, nor absent, may appoint another Day and Place, on Application of the Plaintiff's or Defendant's Counsel, by Summons under his Hand, for hearing and determining

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mining the same; and so may the next Senior Judge in case the Chief Justice be Party, sick, or absent: and there shall be at least six Days between the issuing the Summons, and the Time for hearing and determining; and four Days Notice, (exclusive of the Day of Notice and the Day of Arguing,) shall be given, by a Copy of the Summons served on the other Party, or his Counsel, or left at either of their Places of Abode.

Six Days at least between Summons and Hearing. Notice to other Party.

XLV. And be it further enacted by the Authority aforesaid, That in case any Plaintiff shall neglect or refuse to prosecute his Suit, according to the Rules or Methods of the Court where the same is depending as aforesaid, or become nonsuit, or discontinue his Suit without having made an Agreement with the Defendant, he shall pay Costs to be taxed, for which an Attachment shall issue, and the Plaintiff to be brought in and close committed until he pays such Costs, or the Court order otherwise; or the Defendant may take Execution for the same, to be proceeded upon as other Executions for Debt, Costs, or Damages.

Plaintiff neglecting to prosecute, or discontinuing Suit, to pay Costs.

XLVI. And be it further enacted by the Authority aforesaid, That the Plaintiff or Defendant, in any Action or Suit prosecuted in the said Court of Common Pleas, may sue forth a Writ of Subpœna, in order to compel such Person or Persons as may be thought necessary, to appear and give Evidence in the said Court of Common Pleas, in any Cause or Suit therein depending; which said Writ of Subpœna may be served by any White Person, on the Witness or Witnesses [*personally,*] two Days before the Day preceding the Day of Attendance, by a Copy, and shewing the Original without any Tender or Payment of Charges. And if the Witness make Default to attend, not being sick or otherwise disabled,—on due Proof of the Service of the Subpœna, one or more of the Justices of the said Court, then setting, shall and may impose a Fine of ten Pounds, current Gold and Silver Money, upon such Witness so subpœnaed and making Default; for which Fine the said Justice or Justices shall award an Attachment against the Body of such Witness, who shall be imprisoned until Payment be made of the said Sum, and of all Jail Fees. And further, each Witness so subpœnaed as aforesaid, and making Default, shall forfeit fifty Pounds current Money of *Antigua*, to be recovered by Attachment, specifying the Cause, and in the Name of the Party grieved; to which Attachment a Freeholder shall give special Bail, and may plead; and, on an Issue thereon joined, it shall be tried by a Jury, as other Actions; and on Default, Confession, or

Writs of Subpœna to compel Appearance of Witnesses,

to be served three Days before Court Day.

By No. 509, S. 9. Necessity of personal Service removed, and Service at Residence sufficient.

Witnesses neglecting to attend to be fined 10*l.*

[*See Application, S. 221.*]

and to forfeit 50*l.* to Party aggrieved; to be sued for by Attachment.

Half to Party
grieved; half
toward Public
Fortifications.

Demurrer, Judgment shall go thereon as in other Actions; and one Moiety of the Forfeiture, if recovered, shall be to the Use of the Party grieved, and the other Moiety towards the building and repairing the Fortifications of this Island; and the Plaintiff, if he recovers, shall have Costs, and shall pay Costs, if nonsuited, a Verdict against him, or he discontinue, or a Judgment against him, on Demurrer, or by Default.

Witnesses to
be allowed Ex-
penses, if re-
quired in open
Court.

If material
Witness ab-
sent, Cause to
be adjourned;
on Party de-
siring it pay-
ing Costs, and
producing
Oath of Sub-
pœna.

XLVII. And be it further enacted by the Authority aforesaid, That Witnesses be allowed their Expenses, by the Party that Summons them, as shall be adjudged by the Court, if required in open Court. And in case the Evidence of such Witness who shall not attend shall appear to the Court, upon Oath, to be material in the Cause depending, the Court is hereby required, in all such Cases, to adjourn the Hearing of the Cause until the next Court following, in case the Party for whom such Witness should have appeared shall desire the same: paying to the other Party at least twenty-eight Shillings, or more if the Court shall order it, for full Costs and Charges of the Day; so that Oath be made of due Service of the Subpœna on such Witness or Witnesses, or else the Cause to proceed.

Affirmation
of Quakers in
Civil Causes.

See Act of
Leeward
Islands, No.
27.

XLVIII. And be it further enacted by the Authority aforesaid, That in all Civil Causes, the solemn Affirmation of Quakers shall be taken and admitted instead of an Oath, as appointed by a General Act of the *Leeward* Islands, or as it is, or shall be altered by subsequent Statutes of *Great Britain*, in all Civil Causes.

Person enti-
tled to Facto-
rage may not
be Evidence
for his Em-
ployer; but
may for other
Party.

XLIX. And be it further enacted by the Authority aforesaid, That no Person or Persons, who shall in any Cause appear to be entitled to take any Factorage or Commission, shall be admitted to give Evidence in such Cause on Behalf of his or their Employer or Employers: but nevertheless such Person or Persons, if required, shall and may be examined on Behalf of the other Party.

Witness about
to leave An-
tigua, or from
Infirmity, &c.
unable to at-
tend Trial,
may be exa-
mined before
Judge.

L. And be it further enacted by the Authority aforesaid, That in case any Witness or Witnesses, in any Cause or Suit depending in the said Court, shall be about to depart from this Island, or shall be aged, or extremely sick, lame, or otherwise disabled from attending upon the Trial of such Cause, then the Deposition of such Witness or Witnesses, taken upon Oath, before the Chief Judge, or any Puisne Judge, of the said Court, in the Presence of the Plaintiff and Defendant, or their Counsel, or in the Presence of either of them, or his or her Counsel, where the other Party make Default, after due Summons as herein-after directed, shall be held, taken, and esteemed, good and sufficient Evidence in Law, in that Cause, or any

See S. 52.

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any other Cause for the same Thing at Common Law, or in Equity, between the same Parties, their Heirs, Executors, Administrators, or Assigns; and the same Deposition shall be recorded, after it is produced in Court, in the Secretary's Office of *Antigua*, among the Proceedings in that Cause, at the Expense of the Party producing it; and a Copy of that Record shall be equal to the Original: so as the same be proved on Oath to be a true Copy, and examined with the Record thereof.

Deposition to be Evidence, either at Law or in Equity.

Deposition, after Production in Court, to be recorded.

LI. And be it also enacted and ordained by the Authority aforesaid, That, in any Suit at Law hereafter to be brought in the said Court, a Summons, specifying the Cause, and some certain Day, Hour, and Place, shall issue, at the Request of the Plaintiff or Defendant, to any material Witness who shall be about to go off this Island, requiring his Appearance, to give Testimony before the Judge or Judges who shall sign such Summons, according to the Tenor thereof; which said Summons shall be served at least twelve Hours before the Time of Appearance: and in case such Witness make Default to attend (not being extremely sick, or otherwise disabled) then such Witness shall, upon Affidavit of the Service of the Summons, made before the Judge or Judges who signed the same, and filed in the Secretary's Office of the said Island, be committed to the Custody of the Provost Marshal, or his Deputy, until he or she shall have appeared before the said Judge or Judges, and cleared the Contempt, with the Costs of the same, and be discharged by Order of the said Judge or Judges.

Summons for Witness about to leave *Antigua*, to give Testimony before Judge.

Service to be at least twelve Hours before Appearance.

Witness not appearing, to be committed.

LII. And in case there be a Neglect of Attendance, on Behalf of the Plaintiff or Defendant, after the Party, or his Counsel, has been personally served, twelve Hours before the Attendance required, with a Copy and Sight of an original Summons, signed by the Chief Justice, or any one of the Puisne Judges, of the said Court, specifying the Name of the Cause, with the Day, Hour, and Place of Examination, and the Witnesses' Names; or if the Party or Counsel shall be absent from Home, the Service to be by leaving a Copy of the Summons at the House of either of them, and such Service being proved upon Oath, such Deposition may nevertheless be taken in his Absence, and allowed to be good and sufficient Testimony as last above-mentioned; any former Law, Usage, or Custom to the contrary notwithstanding. And the Judge, who takes such Deposition, shall immediately deliver the same, sealed and indorsed, into the Secretary's Office, which shall be filed by the Secretary, with the Pleadings in the Cause in which such Deposition shall be taken; and the

If either Party (served, twelve Hours before, with Notice and Copy of Summons) do not attend, Deposition may be taken in his Absence.

Judge to deliver Deposition, sealed and indorsed, into Secretary's Office.

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Secretary to
file it with
Pleadings.

Judge to cer-
tify whether
both Parties
attended.

the Judge, before whom the Deposition shall be taken, shall certify thereon, whether both Parties attended, or any for them; and, if either Party made Default, whether Proof of due Service of a Summons was made on the Party against whom the Deposition was taken: and Perjury in such Deposition shall be punishable here, as wilful Perjury in Courts of Record in *England* is punishable by the Common Law of the Realm.

LIII. And whereas it frequently happens that Persons in this Island expect Actions to be brought against them; but such Persons cannot, as the Law stands at present, examine Witnesses going off this Island, until some Action or Suit is brought in this Court; and Plaintiffs take advantage of such Defendant or Defendants, by delaying to bring their Actions until such Witnesses go off this Island: And whereas it frequently happens that Actions are intended to be commenced, in which Actions, when commenced, it is necessary for the Defendant or Defendants to examine Witnesses who are *extremely aged, or sick*; but the intended Plaintiff or Plaintiffs in such Actions, defer bringing his, her, or their Action or Actions, until such aged or sick Witness or Witnesses is or are dead, by which Means such Defendant or Defendants are frequently deprived of the Testimony of his, her, or their Witness or Witnesses, or at least driven to the Necessity of an expensive Suit in Equity, to perpetuate the Testimony of such aged or sick Witness or Witnesses, which is attended with great Inconvenience, and oftentimes great Injustice; therefore, to prevent such Inconvenience and Injustice, be it further enacted by the Authority aforesaid, That where any Person or Persons hath or have Reason to believe that any Action or Actions *will be brought* against him, her, or them, such Person or Persons may examine his, her, or their Witness or Witnesses going off this Island, or that is or are extremely aged, or sick, in the same Manner as any Plaintiff or Plaintiffs, Defendant or Defendants, is and are hereby empowered to examine Witnesses where any Action or Actions is or are commenced; and the like Summons shall issue, and the like Proceedings shall be thereon had, as are herein-before directed, touching the Examination of Witnesses going off this Island, where any Action or Actions is or are commenced; and the Deposition or Depositions of such Witness or Witnesses shall be returned into the Secretary's Office in the same Manner, and be there filed, and be of the same Force and Effect, as the Deposition of Witnesses going off this Island, aged, or sick, taken in any Action or Actions *actually commenced*; and the Person or Persons so summoned to appear and give

Person believ-
ing *future*
Action will be
brought
against him,
may examine
Witnesses
aged, sick, or
going from
Antigua, un-
der S. 50.
51. 52. as if
Action were
actually com-
menced.

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give Testimony shall be liable to the same Punishment for Perjury, and for refusing to appear, as Persons summoned to appear and give Testimony, in any Action or Actions actually commenced, is or are herein-before made liable to or subject. Provided always, That the Persons or Persons desirous of taking such Deposition or Depositions shall make Oath before the Judge who shall issue such Summons, that he, she, or they verily believe some Action or Suit will be instituted against him, her, or them, or against his, her, or their Representatives, by some Person or Persons, and whom, or his, her, or their Representatives, and of the supposed Reason or Causes of such Suit; and that the Purport or Effect of such Affidavit or Deposition, be also recited or mentioned in the Summons, issued for the Purpose of examining such Witness or Witnesses as aforesaid.

Person applying for Summons is to make Oath as to the Cause of Application, &c.

Oath is to be recited in Summons.

LIV. And, in Causes depending in this Island, the Examination of any Witness or Witnesses taken before the Chief or Lieutenant Governor, or President of the Council where there is no Lieutenant Governor, or before any Judge of the King's Bench, Common Pleas, or Exchequer, in the Islands of *Nevis, Saint Christopher, or Montserrat*, or any of the *Leeward Caribbee* Islands, and *Barbadoes*, or before any Judge of any Court or Courts of Law now erected, or to be erected, in the respective Islands of *Grenada, Saint Vincent, Dominica*, and the *Grenadines*, shall be in like Manner good Evidence, as those taken duly before a Judge in this Island: so as three Calendar Months' Notice, if the Witness to be examined in *Barbadoes*, and two Calendar Months' Notice, if to be examined in *Grenada, Saint Vincent, Dominica*, and the *Grenadines*, and if any of the said other Islands thirty Days' Notice at least, be given of the Time, and the particular Island, and House, where such Examination is to be taken, personally to the adverse Party, or his Counsel; and such Deposition be certified, under the Hand, and Public or Private Seal, of the Person taking such Deposition. And such Deposition, after being read in Court, shall be filed and left in the Secretary's Office of this Island, and there recorded at Length among the Proceedings relating to that Cause; and a Copy of the Record shall be equal Evidence with the Original; and Perjury in such Depositions last mentioned shall be punishable here, if the Deponent can be taken in this Island, as wilful Perjury in the Courts of Record in *England* is there punishable, by the Common Law of *Great Britain*.

In Causes depending in *Antigua*, Witnesses in *Nevis, Saint Christopher, Montserrat, Barbadoes, Grenada, &c.* may be examined before Governor, &c. or Judge; on giving adverse Party three Calendar Months' Notice for *Barbadoes*; two, for *Grenada, St. Vincent's, Dominica*, and *Grenadines*; thirty Days, for the *Leeward Caribbee* Islands.

LV. And whereas His Majesty's Subjects trading from the Kingdom of *Ireland*, or any of His Majesty's Colonies or Plantations, to the said Island of *Antigua*, lie under great Difficulty for want of those
easy

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8. Geo. 2.
Cap. 7.

Affidavit or
Affirmation
of Person re-
siding in Ire-
land or the
British Colo-
nies, [and by
No. 509, S.
4. in States
of America]
as Party or
Witness for
Party to Ac-
tion depend-
ing in Anti-
gua, to be re-
ceived: if
made before
Governor,
Mayor, or
Judge of Place
where Depo-
nent resides,
and officially
certified.

easy Methods of proving Debts due to them, which the Act of Parliament, of the fifth of George the Second, intituled, *An Act for the more easy Recovery of Debts in His Majesty's Plantations and Colonies in America*, has introduced with regard to the Proof of Debts due to Persons residing in *Great Britain*; therefore, for effectually extending the same Benefit to Persons residing in the said Kingdom of *Ireland*, or any of His Majesty's Colonies or Plantations, of proving Debts due to them as Persons residing in *Great Britain* have by Virtue of the same Act; be it, and it is hereby further enacted by the Authority aforesaid, That from and after the Passing of this Act, in any Action or Suit then depending, or thereafter to be brought, in any Court of Law or Equity in the said Island of *Antigua*, for or relating to any Debt or Account, wherein any Person residing in the Kingdom of *Ireland*, or any of His Majesty's Colonies or Plantations, shall be a Party, it shall and may be lawful to and for the Plaintiff and Defendant, and also to and for any Witness, to be examined, and made use of, in such Action or Suit, to verify or prove any Matter or Thing by Affidavit or Affidavits in Writing, or in Case the Person or Persons to verify or prove such Matter or Thing be of the People called Quakers, upon his or her solemn Affirmation, in Manner following, that is to say, Such Affidavit or Affirmation to be made before the Chief Governor, or the Person in Command for the time being, Mayor, or a Justice of any Court of Record, where, or near to which, the Person making such Affidavit or Affirmation shall reside; such Affidavit or Affirmation to be certified under the Hand, and Seal of Office of such Chief Governor, or the Person in Command for the time being, Mayor, or Justice, or under the private Seal of such Chief Governor, or the Person in Chief Command for the time being, Mayor, or Justice; which Oath, and solemn Affirmation, every such Chief Governor, or the Person in Command for the time being, Mayor, or Justice, shall be, and is hereby authorized and empowered to administer; and every Affidavit or solemn Affirmation so made, certified and transmitted, shall, in all such Actions and Suits, be allowed to be of the same Force and Effect, as if the Person or Persons making the same upon Oath or solemn Affirmation as aforesaid had appeared, and sworn or affirmed the Matters contained in such Affidavit or Affirmation, *viva voce*, in open Court, or upon a Commission issued, for Examination of Witnesses, or of any Party, in any such Action or Suit respectively: Provided, That, in every such Affidavit and Affirmation, there shall be expressed the Addition of the Party making such Affidavit or Affirmation,

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Affirmation, and the particular Place of his or her Abode ; and provided also, that Notice, in Writing, shall have been given to the Plaintiff or Plaintiffs, or Defendant or Defendants, in such Actions or Suits, or his, her, or their Counsel, of the Name or Names of the Witness or Witnesses so to be examined, and of the Time and Place where such Examination is to be taken, nine Months before the taking of such Examination, in order to give the adverse Party an Opportunity of examining such Witness or Witnesses.

Nine Months Notice must be given to opposite Party of intended Examination.

LVI. And be it also enacted by the Authority aforesaid, That, in all Suits now depending, or hereafter to be brought, in the said Court by or on the Behalf of His Majesty, His Heirs or Successors, he or they shall and may prove his and their Debts and Accounts, and examine his and their Witnesses, by Affidavit or Affirmation, in like Manner as any Subject or Subjects is or are empowered, or may do, by the present Act.

Witnesses for the King to be examined in the same Manner as Witnesses for Subjects.

LVII. Provided always, and it is hereby further enacted, That if any Person making such Affidavit upon Oath, or solemn Affirmation, as aforesaid, shall be guilty of falsely and wilfully swearing or affirming any Matter or Thing in such Affidavit or Affirmation, which, if the same had been sworn upon an Examination in the usual Form, would have amounted to wilful and corrupt Perjury, every Person so offending, being thereof lawfully convicted, shall incur the same Penalties and Forfeitures as, by the Common Laws of *England*, are provided against Persons convicted of wilful and corrupt Perjury.

Perjury in such Witnesses punishable.

LVIII. And be it further enacted and ordained, That Conveyances and Deeds, and also Letters of Attorney, Procurations, and other Powers in Writing, made in Places out of this Island, which shall at any time after the Publication of this Act, be produced in any Court of Justice within this Island, with a Deposition proving the same, sworn before the Lord Mayors of *London*, *York*, or *Dublin*, or any other Mayor or Chief Officer of any City or Town Corporate within the Kingdoms of *Great Britain* or *Ireland*, and attested under the Public Seal of such City or Town Corporate, or under the Hand and Public Seal of any Chief Governor, or President of the Council of any Colony in His Majesty's Dominions, and annexed to every such Instrument of Writing, shall be deemed, adjudged and taken as sufficient Evidence in Law and Equity, as if the Witnesses therein named, and having subscribed the same, were personally present, and made such Proof *viva voce*: Provided, such Deeds, if concerning Lands and Tenements or Slaves, be in all respects duly acknowledged

Deeds proved, by Deposition before Officer prescribed, to have been executed in *Great Britain* or *Ireland* or any *British* Colony [and by No. 509, S. 5. in States of America] to be received.

See Act of 28th July, 1764, (No. 270.)

If relating to Lands, Tenements or Slaves to be recorded in Register's Office.

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Probates of Wills under the Seal of Prerogative Court of Canterbury, or other competent Courts, Evidence; when recorded in Antigua; for personal Estate, with Secretary; for real, with Secretary and Register.

JURY.— For Trial of all Causes, (except small Cases provided for by S. 151.) *Venire facias* shall issue each Court, ten Days before Court-day, to summon forty-eight Jurors qualified as in S. 62.

SUMMONS for Juror, four Days before required Appearance, to be left at Residence.

Jury to consist of twelve, sworn, &c.

and recorded in the Register's Office of *Antigua*, as the Laws of *Antigua* heretofore made direct and require.

LIX. And be it also enacted by the Authority aforesaid, That Proof, in the common Form, of Wills, under the Seal of the Prerogative Court of *Canterbury*, or under the Seals of any other Courts, of Probate of Wills in His Majesty's Dominions herein-before mentioned, shall be allowed and taken, *prima facie*, as good Proof of such Wills, both in Law and Equity, to prove *real* and *personal* Devises and Bequests within this Island; such Wills and Probates being first recorded in the Secretary's Office of this Island; and in case of Devises of such Realities, to be first recorded in both the Register's and Secretary's Office of this Island, with the Probates; saving always the Right of all and every Person, to invalidate, disprove, or set aside, the same Wills, by lawful or equitable Causes, as though this Act had not been made.

LX. And be it further enacted by the Authority aforesaid, That for Trial of all Causes (except Complaints, and Cases herein-after mentioned) a general *Venire facias* shall be issued, by the Secretary or his Deputy, for each of the said Courts, which are to be held annually in the said Months of *April, May, June, July, and August*, directed to the Provost Marshal, or his Deputy, to summon forty-eight Freeholders, or other Persons hereinafter qualified to serve as Jurors, to appear at each of the same Courts as Jurors; which *Venire* shall issue ten Days before the Court-day; and every Juror shall be summoned four Days before the Day when his Appearance is required; and the Summons shall be a short Writing, signed by the Provost Marshal, or his Deputy, or known Servant, and dated, and run to this Effect (viz.)

Mr. [A. B. naming the Juror] *you are hereby summoned to appear as a Juror, at the next Court of Common Pleas, to be held on the Day of next.*

And shall be left at the Juror's Place of Abode. And all Trials between Party and Party (except as before excepted) shall be by Juries of twelve honest and lawful men of the Island, being Freeholders, Merchants, or Traders, or Lessees of Estates, or Proprietors of Slaves, in the said Island; all which Jurors shall be sworn, well and truly to try the Issue joined between the Parties, or to enquire of Damages, as the Case shall require, and to give a true Verdict according to the Evidence, as hath hitherto been usual and customary.

LXI.

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LXI. And be it also enacted and ordained by the Authority aforesaid, That the Name of each and every Person who shall be summoned to serve as a Juror in the said Court of Common Pleas, and also in the Court of King's Bench and Grand Sessions of the Peace herein-after mentioned, shall be written, by the said Provost Marshal, or his Deputy, or other Returning-officer to whom the said Return shall or may belong, on several and distinct Pieces of Paper, being all as near as may be of equal Size and Shape, and shall be delivered to the said Secretary, or his Deputy, by the said Provost Marshal, or his Deputy, or other said Returning-officer, and shall by the said Secretary, or his Deputy, be rolled up, all as near as may be in the same Manner, and put together in a Wooden Box, or Glass Vessel, to be provided for that Purpose by the said Secretary, or his Deputy; and, when any Cause shall be brought on to be tried, some indifferent Person, by Direction of the Court, may and shall, in open Court, draw out twelve of the said Pieces of Paper, one after another, and if any of the Persons whose Names are so drawn shall not appear, or be challenged, and set aside, then such further Number, until twelve Persons be drawn who shall appear, and, after all Causes of Challenge, shall be allowed as fair and indifferent; and the said twelve Persons so first drawn, and appearing, and approved as indifferent, their Names being marked in the Pannel, and they being sworn, shall be the Jury to try the said Cause; and the Names of the Persons so drawn and sworn shall be kept apart by themselves, in some other Box or Glass to be kept for that Purpose, until such Jury shall have given in their Verdict, and the same is recorded, or until the Jury shall, by Leave of the Court, be discharged, and then the same Names shall be rolled up again, and returned to the former Box or Glass, there to be kept with the other Names remaining at that Time undrawn, and so, *toties quoties*, as long as any Cause remains to be tried. Provided always, that if any Cause shall be brought on to be tried in the said Courts, before the Jury in any other Cause shall have brought in their Verdict, or be discharged, it shall and may be lawful for the Court to order twelve of the Residue of the said Pieces of Paper, not containing the Names of any of the Jurors who shall not have so brought in their Verdict or be discharged, to be drawn in such Manner as aforesaid, for the Trial of the Cause which shall be so brought on to be tried.

LXII. And to the End that all Persons, liable to serve on Juries in the Court of Common Pleas hereby established, may bear, as near as may be, an equal Share of the same Duty, it is hereby enacted by

F 2

From all the Jurors summoned, Jury to be formed by Ballot, as directed in Clause.

Before one Jury is discharged, Court may order Ballot of fresh Jury for succeeding Trial.

the

Marshal to make Alphabetical List of Persons within Description in Clause, to serve as Jurors.

By No. 509, S. 13. Managers of Sugar Plantations are added to the List of qualified Jurors.

List to be corrected every Year.

Jurors to be summoned in their turns.

Jurors making default, to be summoned successively.

the Authority aforesaid, That the acting Provost Marshal, or Deputy Provost Marshal, of this Island shall, before the first Day of *May* next ensuing the Date of this Act, cause to be written first fairly in a Book, in an alphabetical Order, the Names of all *Men Freeholders, Merchants, or Traders, and Lessees of Estates*, within this Island, except those who receive the Country Bounty Lands, (commonly called ten Acre Men, not having other sufficient Freehold,) and of *Proprietors of any Number of Slaves within this Island not less than thirty, and seised of the same of an Estate for Life, or any greater Estate*; which Book shall begin, under each Letter, with the Surname of each Person, and shall be lodged with the Secretary of this Island, before or on the same Day; and a Copy thereof to be kept by the same Marshal, or his Deputy, for his own Use; which last mentioned Book the Secretary shall bring constantly to the Court of Common Pleas aforesaid; and between the End of the Names, under each Letter of the Alphabet, shall be left a considerable Space, fit to contain as many more Names, wherein shall be written the Names of any Persons who shall afterwards become Freeholders, either by Purchase, Descent, or otherwise, or shall afterwards become Merchants, or Traders, or Lessees of Estates, or Proprietors of Slaves; and when any of the first named Freeholders die, or lose their Freeholds, their Names shall be struck out of the same Book, and the new Freeholders added; and the Marshal or his Deputy are hereby required, every Year, between the last Day of *August* and the first Day of *April*, to regulate the said Book, by striking out the Names of those that die, or depart this Island, and putting in the Names of the new Freeholders, Merchants, Traders, and Lessees of Estates, or Proprietors of Slaves. And the Marshal is hereby required to summon all the Freeholders, Merchants, or Traders, and Lessees of Estates, and Proprietors of Slaves, in their turns, who are not exempt from serving as Jurors, and shall summon one of each Letter of the Alphabet, as long as there are Names of Freeholders, Merchants, or Traders, or Lessees of Estates, or Proprietors of Slaves, under each Letter; and when all the Freeholders, Merchants, or Traders, and Lessees of Estates, and Proprietors of Slaves, under one or more Letters, have been summoned, so that one under every Letter cannot be had, then the same shall be supplied by Names under the other Letters, till each Freeholder, Merchant, or Trader, or Lessee of Estate, or Proprietor of Slaves, hath been summoned in his turn: Save and except, that where any Freeholder, Merchant, or Trader, and Lessee of Estate, or Proprietor of Slaves, shall make default

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default of Appearance, such Freeholder, Merchant, or Trader, and Lessee of Estate, or Proprietor of Slaves, shall and may be summoned a second Time, and oftener successively, as herein-before or after directed: and save and except to all Persons their just Challenges to Jurors: and save to the Court, Power of ordering special Juries. And the Secretary shall carefully keep the List of Jurors returned at each Court of Common Pleas, in order to compare with the said Jurors' Book. And if the Marshal, or his Deputy, shall any way act partially in summoning Jurors as aforesaid, or fail in his Duty, with relation to making or lodging with the Secretary or his Deputy the said Book of Jurors, or regulating the said Book annually, he shall be liable to a Fine, not under fifty Pounds, nor above one hundred Pounds, current Money of *Antigua*, to be recovered by Information, in the Court of Common Pleas, or any Court of Record of this Island, the one-half to the Use of His Majesty, His Heirs, and Successors, to be paid to the Treasurer of this Island for the time being, to be applied to the Support of the Forts and Fortifications of this Island, and the other half to the Informer, who shall sue and prosecute for the same, wherein full Costs shall be recovered by such Informer, and such Informer shall pay Costs, if he becomes nonsuit, discontinue, or Judgment against him, on Verdict, or Demurrer, or otherwise, and therein no Essoign, Protection, Wager of Law, or more than one Imparlance, be allowed.

LXIII. And in case any of the Persons aforesaid shall make default in appearing, (Proof being made upon Oath of his being duly summoned,) and shall fail to make a just and reasonable Excuse for his Absence, to the Satisfaction of the Court, he shall forfeit to His Majesty's Use five Pounds, current Money of this Island; for which Fine of five Pounds an Attachment shall issue against the Body of the Person so failing to appear, and he shall be imprisoned until he shall pay the said Fine of five Pounds, with the Jail Fees; and so *toties quoties* as he shall make default, upon any new Summons, until he shall serve as a Juror. And for want of a full Jury of twelve Men, in any Cause to be tried or Damages to be assessed, such Jury may be made up of the Standers-by, being qualified as aforesaid, to be returned instantly by the Provost Marshal, or his Deputy: provided such Person or Persons had not before served on any Jury for the Year.

LXIV. And be it also enacted by the Authority aforesaid, That in case any Causes shall be coming on for Trial in which the said Provost Marshal, or his Deputy, shall be concerned as Plaintiff or Defendant,

Just Challenges saved. Court may order special Juries;

Marshal negligent or partial in summoning Jurors, or in making up Book, to forfeit 50*l.* min. 100*l.* max. half towards Fortifications; half to Informer.

Juror, summoned, making default, to forfeit 5*l.*

If full Jury do not appear, Standers-by may be taken.

In Causes where Provost Marshal or Deputy, is Party, Secretary

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tary to issue
special *Venire*
facias directed
to one of the
Coroners, to
summon eight-
teen Jurors
min. twenty-
four max.

Proceedings
as before, ex-
cept as to

FORM OF
SUMMONS.

Marshal or
Deputy, to
give Notice to
Secretary, of
Cause where-
in either is
Plaintiff:—

or, Cause not
to be tried,
unless by
Consent of
Defendant.

In Actions
against Mar-
shal, or Depu-
ty, Plaintiff
choosing to
have Jury re-
turned by Co-
roner, is also
to give Notice
to Secretary.

Defendant, a special *Venire facias* shall be issued by the Secretary, or his said Deputy, directed to any one of the Coroners of the said Island, to summon not less than eighteen, or more than twenty-four Persons, herein-before described as qualified, to serve, as Jurors, in all the said Causes in which the said Provost Marshal, or his Deputy, shall be concerned as Parties aforesaid, at the then next ensuing Court of Common Pleas; and which said special *Venire* shall be issued ten Days before the said Court Day; and the Time for delivering and returning of Summons, and all other Proceedings therein by the said Coroner, shall be carried on and be regulated as herein-before particularly set forth and directed: except as to the Form of Summons, which, being signed by the said Coroner, shall be in these Words:

A. B. [naming the Juror] *Take Notice, that you are hereby required to appear as a Juror at the next Court of Common Pleas, to be held on the* Day of next, *to try all Issues joined in the several Causes in which* C. D. [naming the Provost Marshal, or his Deputy] *shall or may be Plaintiff or Defendant; and hereof fail not.*

And, to the end that the said Secretary, or his Deputy, may have timely Notice for issuing of the said special *Venire facias* to the said Coroner, the said Provost Marshal, or his Deputy, shall, at least twelve Days before the holding of any of the said Courts, in which any such Cause may be coming on for Trial, in which he is Plaintiff, leave Notice in Writing in the said Secretary's Office of such Cause coming on for Trial; and in Default of so doing, such Cause shall not be tried or determined by the Jury summoned by the said Provost Marshal, or his Deputy, unless by the Consent of the Defendant or Defendants: but either continued, or discontinued, as the Court shall think proper. And in case any Action or Suit shall be brought against the said Provost Marshal, or his Deputy, the Plaintiff or Plaintiffs shall in like Manner give Notice thereof, that a special *Venire facias* to the Coroner may be issued as aforesaid; and in Default of so doing, such Cause shall be tried or determined by the Jury summoned by the said Provost Marshal, or his Deputy; any Thing herein-before contained to the contrary notwithstanding.

LXV. And be it also enacted by the Authority aforesaid, That no Person whatsoever, being qualified to serve on Juries as aforesaid, shall, when duly summoned, be exempted or excused from serving thereon; except only such as are of His Majesty's Council, the Speaker

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Speaker of the Assembly, or Barons of the Exchequer of this Island, or Judge of the Admiralty, Clergymen, or Officers of His Majesty's regular Troops, or Practitioners in Physic or Surgery duly licensed, or Sworn-Pilots, or Sworn-Officers of His Majesty's Customs, the Post-master, or Constables serving for the Town of *Saint John*, or Gunners of Forts in this Island.

Persons ex-
empted from
serving on
Juries.

LXVI. And be it further enacted by the Authority aforesaid, That in any Action or Suit brought in the said Court of Common Pleas, if it shall appear to the Court that it will be proper or necessary that the Jury, who are to try the Issue in such Action, should have the View of the Messuages, Lands, or Place in Question, then the said Court shall order and direct the Provost Marshal, or his Deputy, to have six or more of the Jury summoned to try the said Issue at the Place in Question, some convenient Time before the Trial; who then and there shall have the Matters in Question shewn to them, and may view and admeasure the same, and any other Lands necessary to be viewed and admeasured; and the Party applying for such View, shall be at the Charge or Expense attending the same, and provide one or more sworn Surveyors of this Island to make such Admeasurement as may be directed by such Jurors. And if any of the said Jurors shall neglect or refuse to attend, having been duly summoned by the said Provost Marshal, three Days before the Day appointed for such View, (including the Day upon which such Summons or Notice was given,) such Juror, not having a reasonable Excuse for his Default, shall forfeit the Sum of ten Pounds, current Gold and Silver Money; to be recovered and applied in the same Manner as Fines for not attending upon Juries are herein-before directed to be recovered and applied.

Court may
order View of
Messuages,
Lands, &c.
by six or more
of Jury sum-
moned to try
Issue.

Party apply-
ing for View,
to pay Ex-
pense, and
furnish Sur-
veyor.

Marshal's
Summons for
View, to give
three Day's
Notice.

Juror not at-
tending, to
forfeit 10*l*.

LXVII. And be it also enacted by the Authority aforesaid, That all Actions and Suits, commenced and prosecuted in the said Court of Common Pleas, shall be heard and determined at the Court next after the Court wherein the Defendant or Defendants have been summoned or attached to appear, or as soon after as the Circumstances of each Case will admit; and if any further Time for Pleading, or other Indulgence, is granted to the Defendant or Defendants, such further Time or Indulgence, shall be granted upon such Terms and Conditions, as that the Plaintiff or Plaintiffs shall not thereby be delayed in recovering Judgment; unless in such Cases wherein the Court shall think such further Time or other Indulgence absolutely necessary, in order to determine the real Merits of the Action.

Actions to be
tried at Court
next after
Court wherein
Defendant
was summon-
ed, or attach-
ed, to appear:
unless further
Time given by
Court.

LXVIII.

Actions to be tried in the Order of their Entry in Secretary's Book, and not postponed, unless on Cause shewn to Court.

LXVIII. And be it further enacted by the Authority aforesaid, That all Actions and Suits commenced and prosecuted in the said Court of Common Pleas, shall be heard and determined in the Order in which they are entered in the Secretary's Book; and no Action or Suit, which hath been once called for Trial, shall be either postponed, or continued to any Adjournment of the same Court, unless some good Cause shewn to, or approved of by the Court.

No Trial to be postponed at Request of Plaintiff, for more than four Courts: unless by Consent, or by Leave of Court, on Cause shewn.

LXIX. And be it also enacted by the Authority aforesaid, That no Action or Suit shall be continued, at the Request of the Plaintiff or Plaintiffs, for more than four Courts next after the filing of the Declaration of such Plaintiff or Plaintiffs, unless by the Consent of the Defendant or Defendants, or by Leave of the Court, upon good Cause shewn: and if such Action or Suit shall not be brought to Trial or Argument within the Time herein-before limited, Judgment, as in case of a Nonsuit, shall and may be immediately entered against such Plaintiff or Plaintiffs, and the Defendant or Defendants shall and may recover Costs as in other Cases: and if at the said second Court, or at any Time afterwards, any Witnesses shall have been subpoenaed by the Defendant or Defendants, and shall appear to give Testimony, then such Plaintiff or Plaintiffs shall immediately pay unto the Defendant or Defendants, the Costs of such Subpœnas, or be compelled immediately to go to Trial, or suffer a Nonsuit: unless such Plaintiff or Plaintiffs, or his, her, or their Counsel, shall, at least four Days before the Court at which the Action or Suit ought to have been tried, or to which it was adjourned, give Notice of the Intention of such Plaintiff or Plaintiffs not to try the same at such Court.

If Trial postponed, without Notice four Days before Court, Costs of Subpœnas to be paid.

If Defendant fail to appear at second Court, and to plead General Issue (not having filed special Plea,) Judgment by Default.

LXX. And be it further enacted by the Authority aforesaid, That if the Defendant or Defendants shall neglect or refuse to enter an Appearance at the said second Court, and immediately plead the General Issue, (not having before filed some special Plea or Demurrer, in Manner and Form herein-before mentioned,) Judgment by Default shall and may be immediately entered against such Defendant or Defendants; and the Plaintiff or Plaintiffs shall and may, without any further Notice or Process, proceed to enquire of his, her, or their Damages, in all Cases where Damages upon a Judgment by Default are to be enquired of or assessed by a Jury; and final Judgment may be immediately entered upon the Verdict or Inquisition.

Damages may be assessed, and final Judgment entered immediately.

Entering and recording Verdicts.

LXXI. And be it further enacted by the Authority aforesaid, That all Verdicts of Jurors shall be entered, briefly, on the Back of the Declaration,

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Declaration, and recorded in the Secretary's Books, immediately after the entering of the Pleadings in the Cause. And where a special Verdict is found in any Cause, one Counsel for the Plaintiff, and another for the Defendant, must draw up the Notes of such special Verdict in Court, and sign the same; and if the Counsel of either Party refuse to sign the same Verdict, the same shall be drawn up *ex parte*, and the Court shall settle the same, upon the Facts found by the Jury, in Cases where the Counsel differ, or other Occasion shall be so to do. And if either Party require a special Verdict, and the Court direct the Jury to find *specially*, the Jury is hereby required to find *specially*; and such Direction, and at whose Prayer, shall be entered in the Secretary's Book. And if the Jury, being directed by the Court to find *specially*, find *generally*, it shall be a good Cause for a new Trial if prayed, and a new Trial for that Cause shall be granted accordingly without Costs, on Motion before Judgment entered up; and the Motion for a new Trial shall be entered in the Secretary's Book.

Drawing and signing *special Verdicts*.

Court to settle special Verdict, where Counsel differ.

Jury, if directed by Court, must find *special Verdict*.

Finding *generally*, when directed to find *specially*, good Cause for new Trial.

LXXII. And be it also enacted by the Authority aforesaid, That where any Suit shall be brought, upon any Contract, or upon a Bill of Exchange, and it shall appear in the Contract, or by Evidence, that the Agreement was to pay sterling Money, or Gold or Silver Money, or the Debt arose for sterling Money, or for Gold or Silver Money lent or advanced, then if it is for sterling Money, the Jury shall find a Verdict for sterling Money, and settle the Exchange, and reduce the sterling Money into Gold and Silver current Money, according to the best Exchange then governing in this Island; and shall allow Interest agreeable to the Contract, if Interest thereon lawfully made payable in the Contract,—and if not, then shall allow five Pounds *per Centum* from the Day of Payment, if the Money was advanced in *Great Britain, Ireland, or North America*; and shall, in such last Case, allow Interest from the Day of Payment, if the Money was advanced in this Island or elsewhere. And where the Creditor does not reside here, but doth actually pay Factorage for receiving and remitting the Debt, the Jury shall consider and allow, in Damages against the Defendant, five Pounds *per Centum* for such Factorage. And where in an Action of Debt, on Bond, or other Specialty, Judgment shall go against the Defendant by Default, the Factorage shall be settled by one of the Judges of the Court, either in or out of Court, before Execution shall issue thereon, at the Rate hereinbefore mentioned. Provided always, that no such Factorage shall be

On Proof of Agreement to pay, Jury to find Verdict for Gold or Silver, or for sterling Money, and settle the Rate of Exchange.

Rate of Interest to be allowed.

When Factorage is to be allowed.

No Factorage on Debt for Slaves, or Goods

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Goods sold in
Antigua:

nor on Bill
of Exchange.
See S. 31.

On Bills of
Exchange,
Monies due
for Principal,
Interest, Da-
mages, to be
stated sepa-
rately.

Judgment for
the whole.
Interest to
run on Prin-
cipal.

Judgment and
Execution to
be for Gold
and Silver
Currency.

Marshal to re-
ceive on Sale
no other Spe-
cie than Gold
or Silver Mo-
ney.

No new Trial
or Arrest of
Judgment to
be granted, in
first Instance:
but merely
Rule for shew-
ing Cause:
and notwith-
standing Rule,
Judgment
may be en-
tered, and Ex-
ecution issued,
unless Debt
with Costs, is
paid into Se-
cretary's Of-
fice.

allowed where the Debt arose from Slaves, or any Goods sold in this Island, because the Factorage must be considered to have been made good in the Price: nor shall such Factorage be allowed upon a Bill of Exchange protested, because ten *per Centum* Damages thereon in Gross is given by this Law besides Interest: but the Jury, upon a Bill of Exchange, shall find what is due for Principal distinctly, and settle Interest separately to the Day of their Verdict, and shall state the Damages separately, and Judgment shall be entered for the whole Sum together, with growing Interest on the principal Sum only, according to the Rate the Jury allowed Interest, which shall run until paid, besides Costs of Suit, and the Judgment shall be entered for the very Specie of Gold and Silver current Money expressly. And where the Debt is secured by a PENALTY, the Verdict and Judgment shall take Notice of it, as herein-before or after directed; and the Execution accordingly to express the same to be levied in Gold and Silver Money, and distinguish the Sum due for Principal, and the Rate of Interest it run at, until levied. And all Sales whatsoever, by Virtue of or in Consequence of such Execution, shall be for Gold or Silver Monies, and no other Specie; and the Marshal, or his Deputy, shall mention, in all Publications of Sales upon or in consequence of such Execution, that the Sales are to be for Gold or Silver Money, and no other Specie; and the Marshal and his Deputy are, at their Peril, to receive no other Specie upon such Execution than Gold or Silver Monies. [By No. 578, S. 2. when Judgment obtained for Penalty of Bond payable in Sterling British, Chief Justice or his Locum Tenens to settle Exchange according to governing Rate on the Day Verdict was found, or Judgment entered.]

LXXIII. And in order to prevent frivolous or vexatious Motions for new Trials, or in Arrest of Judgment, or any undue Preference or Advantage which may be given by Defendants to the Prejudice of Plaintiffs, by delaying the Signing or obtaining Judgment, under Pretence of moving for a new Trial, or in Arrest of Judgment: Be it also enacted by the Authority aforesaid, that no Rule or Order, for a new Trial, or for staying or arresting any Judgment, shall in any Case be granted in the first Instance, or upon the first Application; but only a Rule or Order upon the other Party or Parties to shew Cause, either at the next Court, or at any Adjournment of the same Court, why a new Trial should not be granted, or Judgment not arrested; and notwithstanding any Notice of moving for a new Trial, or in Arrest of Judgment, or any Rule or Order of the Court to shew Cause

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Cause why a new Trial should not be granted, or Judgment staid or arrested, it shall and may be lawful to and for the Plaintiff or Plaintiffs to sign or obtain Judgment and Execution, unless the Defendant or Defendants shall pay into the Secretary's Office of this Island the Sum of Money found due, or the Damages assessed by the Verdict of the Jury, and the Costs already incurred, on or before the Day next before the Day upon which Judgment might have been obtained, or Execution issued, if no Notice of Motion for a new Trial, or in Arrest of Judgment, had been given, or Rule or Order obtained as aforesaid; such Money to remain subject to the further Order or Direction of the Court.

By No. 509, S. 10. new Trial, when Jury have found generally after being directed to find specially, to be Matter of course, and Rule made absolute on first Application, any Thing in this Section to the contrary of S. 71. notwithstanding.

LXXIV. And be it further enacted by the Authority aforesaid, That, after the Verdict given for the Plaintiff, the Defendant shall have Time until the next Court to move in Arrest of Judgment, giving Notice of such Motion as herein-after directed; and if Judgment be not arrested, the Plaintiff shall have Leave to sign his Judgment, and enter the same upon Record in the Secretary's Office.

Defendant to have till next Court, to move Arrest of Judgment, giving Notice as in S. 81.

LXXV. And be it also enacted by the Authority aforesaid, That in all Cases where the Defendant shall make default, or neglect to enter his Appearance, at the second Court, before Judgment shall pass against him by *Nihil dicit*, and in all Cases where Judgment shall go on Demurrer, the Plaintiff shall be obliged to make a legal Proof of the Debt, before the Justices only, and not before a Jury, where the Action is an Action of Debt for Money sterling, or current Money of *Antigua*: but where, in an Action of Debt, the Defendant was bound in foreign Money, or in Goods, (the Value of which being variable,) or where, in any Action upon the Case, or other Action, Damages only are to be recovered, the same shall be enquired of and assessed, without further Notice, by a Jury at that Court where Default is made, or Judgment given on Demurrer, or at any other Court, as shall be directed and appointed by the Court; upon which Verdict, Judgment shall be immediately given, unless otherwise ordered by the Court. And the Jury in assessing Damages for Goods of the Produce of this Island, are to rate and estimate the same, as they were worth at the common current Price, at the Time they ought to have been paid for, unless the Contract specified a particular Price, or ready-money Price, in which case the Value to be accordingly assessed.

Where Judgment by Default, or on Demurrer, in Action for Money Sterling or Currency, Proof of Debt before Judges without Jury, sufficient: but if foreign Money or Goods, or Damages only recovered, Assessment by Jury.

Produce of *Antigua* to be assessed at Price current when Payment due, unless specific Price in Contract.

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LXXVI.

Where Judgment by Default against absent Defendant,—if Defendant at or before next Court after his Return, shew by Affidavit, that Judgment was recovered for more than actual Debt, Judge may order Marshal not to levy or pay Plaintiff more than Defendant's Oath admits; and new Trial may be granted by Court.

Limitation in first Part of Clause confirmed.

Further Limitations.

Judgment by Default against Person *non compos mentis*, absent, or under Age, may be set aside by Writ of Error, and by *Audita Querela* where Sum not sufficient for Writ of Error.
EXCEPTION.

LXXXVI. And be it further enacted by the Authority aforesaid, That where Judgment by Default shall be obtained against any absent Defendant or Defendants, who shall afterwards return, and, *at or before the next Court after such Return*, make it appear or shew probable Cause, by Affidavit, that a Judgment hath been recovered for more Money than was actually and *bonâ fide* due at the Time such Judgment was obtained; it shall and may be lawful to and for any Justice of the said Court to order the Marshal, or his Deputy, not to proceed to levy for any further or other Sum, than such Defendant or Defendants shall declare upon Oath to be justly due to the Plaintiff or Plaintiffs; or, if any Monies have been received by the Marshal, or his Deputy, towards the Satisfaction of such Judgment, not to pay unto the Plaintiff or Plaintiffs more than the Sum of Money declared to be due as aforesaid, until the further Order or Direction of the Court. And if the Court shall think it probable that more Money hath been recovered or levied than was really due, a new Trial shall be granted; and the Judgment, and the Execution if any thereon issued, shall stand as a Security for such Sum of Money as shall be recovered upon such second Trial, and for no more: Provided nevertheless, that no such Order or new Trial shall be granted, unless applied for at or before the next Court after the Return of the Defendant or Defendants: nor shall such Order or new Trial be granted where the Defendant, or Defendants, or either of them, was or were present in the Island, at the Time when any Writ of *Capias*, Attachment, or Summons, was either personally served on such Defendant or Defendants, or left at his, her, or their Place of Abode: nor shall such Order or new Trial be granted, except applied for within the Space of one Year next after obtaining such Judgment, or issuing any Writ of Execution thereon.

LXXXVII. And be it also enacted by the Authority aforesaid, That where Judgment shall pass by Default against any Person being *non compos mentis*, or in Prison in any Place out of this Island, or by Default against any Infant; all such Judgments obtained against such Person or Persons shall be set aside in the same Court,—by *Audita Querela*, at any Time, where the Sum is too small for the allowing a Writ of Error, by the Royal Instructions, and the Laws of this Island,—or by Writ of Error, in the Court of Errors in this Island, where the Sum is sufficient to maintain a Writ of Error: EXCEPT in such Cases where Infancy, by the Laws of *England*, is not assignable for Error, in which Cases no Advantage shall be taken of Infancy after Judgment, either by *Audita Querela* or Error; and this

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this Court, or any of the Justices thereof out of Court, shall, upon Request of Plaintiff or Defendant, assign a Guardian to defend for an Infant; or a Guardian, or next Friend, to sue and prosecute in each Suit.

Court to assign Guardian for Infant.

LXXVIII. And be it further enacted by the Authority aforesaid, That all Judgments shall be entered within twelve Calendar Months, next after the Day upon which such Judgment might have been entered, according to the Rules herein-before mentioned, and not afterwards, unless by order of the Court, or of a Justice of the said Court at his Chambers. And no *Scire facias* to revive any Judgment or obtain Execution thereof, shall issue before such Judgment hath been entered or filed in the Secretary's Office.

Judgment must be entered within twelve Cal. Months after Day on which under S. 33. 43. 76. it might have been entered. Exception. Before Judgment filed; no *Scire facias* shall revive or execute it.

LXXIX. And be it also enacted by the Authority aforesaid, That the Death of either Party between the Verdict and the Judgment, shall not hereafter be alleged for Error, so as such Judgment be entered at the next Court after such Verdict; and where any Verdict shall be had by or in the Name of any Executor or Administrator, in such Case, an Administrator *de bonis non* may sue forth a *Scire facias*, and take Execution upon such Judgment.

Death of either Party between Verdict and Judgment, not to be alleged for Error.

LXXX. And be it further enacted by the Authority aforesaid, That if any Plaintiff happen to die, after an interlocutory Judgment, and before a final Judgment had therein, the Action shall not abate by reason thereof; if such Action might be, originally, prosecuted or maintained by the Executors or Administrators of such Plaintiff: and if the Defendant die, after such interlocutory Judgment, and before the final Judgment therein obtained, the said Action shall not abate; if such Action might be, originally, prosecuted or maintained against the Executors or Administrators of such Defendant: and the Plaintiff, or, if he be dead after such interlocutory Judgment, his Executors or Administrators, shall and may have a *Scire facias* against the Defendant, if living, after such interlocutory Judgment,—or, if he died after, then against his Executors or Administrators,—to shew Cause why Damage in such Action should not be assessed and recovered by him or them: and if such Defendant, his Executors or Administrators, shall appear at the Return of such Writ, as before directed in case of the *Scire facias*, and not shew or allege any Matter sufficient to arrest the final Judgment,—or make Default,—the Damages shall be enquired of as herein-before directed, on Judgment by Default, in Cases where Damages only are recoverable;

Where Plaintiff or Defendant dies between interlocutory and final Judgment, Action not to abate.

Scire facias to issue.

If Cause not shewn sufficient to arrest final Judgment, to assess Damages, as in S. 75.

able; and Judgment final therein be given for the Plaintiff, his Executors or Administrators, prosecuting such Writ or Writs of *Scire facias*, against the Defendant, his Executors or Administrators respectively.

Notice of all Motions (except Motions of course) to be given four Days exclusive of Court Day.

Exception.

If Motion not made, or refused, Costs to be paid.

Warrant of Attorney for Confession of Judgment, to be left in Secretary's Office, at time of Confession, to be recorded.

In Default; or, if Confession appear from Warrant irregular, Judgment and Execution to be void.

Secretary's Fee for Receipt of Warrant, 1s. 6d.

for recording Warrant, 3s.

LXXXI. And be it also enacted by the Authority aforesaid, That before any Motion is made, in the said Court of Common Pleas, for obtaining any Rule or Order of the said Court,—except such Matters or Things as are usually obtained or granted as of course,—the Counsel of the Party or Parties intending to make such Motion shall give Notice in Writing of such Intention, and of the Reason or Causes why such Motion is intended to be made, at least four Days before the Day upon which such Motion is intended to be made, exclusive of the Day upon which such Notice is given: unless it shall appear to the Court that such Notice could not conveniently be given within the Time aforesaid. And if, after Notice of any Motion shall have been given, such Motion shall not afterwards be made, or, having been made, shall not be granted, the Party giving such Notice shall pay unto the other Party three Pounds six Shillings for Costs, to be either taxed with the other Costs in the Cause, or recovered by Writ of Execution or Attachment.

LXXXII. And be it further enacted by the Authority aforesaid, That, from and after the Date of this Act, where any Judgment shall be entered upon Confession, *Nihil dicit*, or *Non sum informatus*, the Counsel who confesses such Judgment shall leave his Warrant of Attorney in the Secretary's Office of this Island, in order to have the same recorded, at the Time he confesses such Judgment: or, in Default thereof; or, in case it shall appear from such Warrant of Attorney that such Judgment was irregularly confessed; such Judgment, and the Execution, if any issued thereupon, shall be of no Force, Virtue, or Effect whatever; any Law, Usage, or Custom to the contrary notwithstanding. And the said Secretary, or his Deputy, is hereby required to give to the Counsel, who shall leave such Warrant of Attorney with him for the Purpose aforesaid, an Acknowledgment in Writing, signed with his Hand, of the Receipt of such Warrant of Attorney, mentioning particularly, as near as may be, the Day, Hour, and Minute he received the same; for which he shall receive and take the Sum of one Shilling and six Pence, current Gold and Silver Money of the said Island, and no more. And the said Secretary, or his Deputy, is hereby further directed, with all convenient Speed, to record the said Warrant of Attorney in his Books to be kept for that Purpose, for which he shall

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shall receive the further Sum of three Shillings like Money, and no more; both which said Sums are to be paid by the Plaintiff or Plaintiffs in the said Execution, and be allowed such Plaintiff or Plaintiffs in Costs. And in case such Secretary, or his Deputy, shall refuse or neglect to receive such Warrant of Attorney, and to give such Receipt for the same as hereby required; or, shall refuse to record such Warrant of Attorney, within six Weeks at farthest after the same shall have been left with him, (the said Sums herein-before mentioned being offered to him,) such Secretary, or his Deputy, for each Offence, shall forfeit the Sum of one hundred Pounds, like Money, to the Use of the Party grieved, his, her, or their Executors or Administrators; to be recovered, with treble Costs, in any Court of Record of this Island, by any Action of Debt or Case, Bill, Plaint, or Information, to be brought within two Years next after such Offence shall be committed; wherein no Essoign, Protection, or Wager of Law shall be allowed. Provided nevertheless, That the Party grieved, his, her or their Executors or Administrators, shall or may take his, her, or their Remedy against the Secretary, or the Security or Securities of such Secretary, or his Deputy, if he, she, or they shall make such Election, for any further or other Damages, which he, she, or they may have sustained, by reason of such Offence of the Secretary, or his Deputy; any thing herein contained to the contrary notwithstanding.

LXXXIII. And be it also enacted by the Authority aforesaid, That the Secretary shall keep a Book, separate from all other Books, to be called a DOCKET BOOK OF JUDGMENTS, which shall be kept alphabetically, and with a double Alphabet, after the Manner following, *videlicet*: *A*, naming the Defendant's Surname first, then his Christian Name, against *D*, naming the Plaintiff's Surname first, then his Christian Name: and the other Alphabet to begin with the Plaintiff's Surname, then his Christian Name,—and then the Defendant's Surname, and Christian Name after it,—and an express Reference to the Folio of the Book the Judgment is in, that all Persons may know how to search for Judgments. And if the Secretary, or his Deputy, fail to keep such Book, he shall be finable, by this or any Court of Record in this Island, for a Contempt; and so, for every Calendar Month he shall fail to keep such Docket Book, he may be fined anew.

LXXXIV. And be it also enacted by the Authority aforesaid, That no Execution shall issue upon any Judgment which has lain dormant for the Space of one Year and a Day, unless a *Scire facias* shall

Secretary not recording Warrant in six Weeks, to forfeit 100% to Party grieved, with treble Costs, recoverable by Action or Information, to be commenced in two Years.

Party grieved, may at his Election, sue Secretary for special Damages.

Secretary to keep Docket Book of Judgments.

FORM of Entries.

No Execution to issue on Judgment dormant a Year

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Year and
Day, till re-
vived by *Scire*
facias; ex-
cept Plaintiff
restrained by
Injunction.

Service of
Scire facias
to be six Days
before Court,
by Copy of
Original;
other Forms
as Writ of
Summons in
S. 10.

Marshal to
make Return
of Service in
Original, &c.

Judgment, or
Award of Ex-
ecution to be
entered at
Expiration of
Time for
Pleading. See
S. 9. 43.

FORM of
common Writ
of Execution.

shall issue thereon; EXCEPT where the Plaintiff has been held under Injunction in Chancery, or Order of the Court of Chancery or by Writ of Error, and it shall appear, by Affidavit in Writing, filed in the Secretary's Office, in case of such Injunction, that the Plaintiff was so held under Injunction.

LXXXV. And be it also enacted by the Authority aforesaid, That all Writs of *Scire facias* shall be served six Days before the Sitting of the next Court, (including the Day of Service,) in the same Manner, in every respect, as Writs of Summons, in other Actions or Suits, are herein-before directed to be served: except that only a Copy of the original Writ be served; and, upon such Service, the Provost Marshal, or his Deputy, shall make a Return upon the original Writ, that the said Defendant or Defendants have been duly summoned to appear; and shall deliver the said original Writ into the Secretary's Office, on or before the Sitting of the said next Court, there to remain of Record. And if the Defendant or Defendants do not appear and plead to the said Writ of *Scire facias*, within the Time herein-before limited for Appearance and Pleading in other Actions or Suits, Judgment or Award of Execution shall be entered, at the same Time as Judgments in other Actions or Suits are herein-before directed to be entered, or can or may be recovered.

LXXXVI. And be it further enacted by the Authority aforesaid, That as soon as Judgment shall be obtained, the Plaintiff may sue forth, from the Secretary's Office, a Writ of Execution, in the Form following, *videlicet*,

GEORGE the Third, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, &c. To the Provost Marshal of our said Island of Antigua, or his lawful Deputy, greeting. Whereas Judgment was lately obtained, in our Court of Common Pleas, held for our said Island of Antigua, by [naming the Plaintiff or Plaintiffs] against [naming the Defendant or Defendants] for the Sum of [current Money or current Gold and Silver Money, as the Case shall require,] with Costs of Suit; We do therefore require and command you, to levy the same,—with the Costs taxed and indorsed hereon, and all subsequent Costs and Charges in or about the Execution of this Writ,—of the Goods, Chattels, Slaves, Lands, Tenements, Hereditaments, Rent Charges, and Annuities, belonging to the said [Defendant or Defendants] and Debts due to the said [Defendant or Defendants] in the Manner directed and appointed, by virtue of a certain Act of this Island made and provided. And in case you cannot immediately find sufficient Goods

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Goods and Chattels, Slaves, Lands, Tenements, Hereditaments, Rent Charges, Annuities, and Debts, of the same [Defendant or Defendants] you are to attach the Body of the same [Defendant or Defendants] and [him, her, or them] safely to keep, until the said Judgment be satisfied. And of your Proceedings herein you are to make Return, within thirty Days from the Date of this our Writ, into the Secretary's Office of this Island. And hereof fail not, as you will answer the contrary at your Peril. Witness [the Name of the Chief Justice, or Senior Assistant Justice] of our said Court, the Day of in the Year of our Lord God and in the Year of our Reign.

LXXXVII. And be it enacted by the Authority aforesaid, That where Judgments are obtained against *Heirs, Executors, or Administrators*, upon Judgments on the Estate or Goods of any Ancestor, Testator, or Intestate, the Writ of Execution shall specify it, and be altered accordingly: and in Cases of Wastes by them committed, or false Pleas, subjecting them to be charged of their proper Estate, there shall and may be proper Executions formed, to be levied on their proper Goods, Chattels, Slaves, Lands, Tenements, Hereditaments, Rent Charges, Annuities, and Debts, to be sold and disposed of, as in common Cases, against other Persons; and against the Body, as the Case shall require: the Forms and Proceedings of such Executions, and the Returns of Waste, to be agreeable, as near as may be, to the Laws of *England*, or Statutes of *Great Britain*, in force here, and the Practice of the Court of Common Pleas at *Westminster*: Provided always, That Nothing in this Act shall be deemed, construed, and taken, to affect the proper Goods and Chattels, Slaves, Lands or Tenements, or the Person or Persons, of any Heirs, Executors, or Administrators, further or otherwise, than the same might be bound or affected by the Laws of *England*, or Statutes of *Great Britain* in force here, or by any Law of this Island.

LXXXVIII. And be it further enacted by the Authority aforesaid, That in all other Cases, where the Form of the Writ of Execution herein-before directed will not apply, proper Writs of Execution shall be formed, as near as may be to the Laws of *England*, or *Great Britain*, in force here, and the Practice of the said Court of Common Pleas as *Westminster*.

LXXXIX. And whereas Judgments are often obtained, and Writs of Execution issued, for the Penalties of Bonds, in very considerable Sums of Money, when the Balance, or real Sum actually due, upon such Bonds, or the Judgments obtained thereon, may be very small or

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inconsiderable;

Special Writs of Execution against Heirs, Executors, or Administrators, to be framed, as near as may be, according to Laws of *England*.

Chattels and Lands of Heirs, Executors, &c. to be affected only as they would be by the Laws of *England*.

Where Writ of Execution in S. 86. will not apply, proper Writs, to be framed after Practice in C. P. at *Westminster*.

Where Judgment obtained for Penalty on Bond, [by No. 509, S. 8.] Affidavit of Sum

Sum bonâ fide due, to be made before Judge, and Sum endorsed on Writ of Execution previous to delivering it to Marshal, or within twenty-four Hours afterwards.

Marshal not to levy till Affidavit filed.

Plaintiff endorsing greater Sum than actually due, liable to Damages.

See No. 509, S. 8.

See S. 91, infra.

Monies received by Marshal, under Executions, to be distributed according to Act of 4th Nov. 1786, (No. 472.)

This Part of Clause has ceased to operate.

inconsiderable; be it therefore also enacted and ordained by the Authority aforesaid, That where Judgment is obtained for a Penalty, and a Writ of Execution thereon issued, the Plaintiff or Plaintiffs shall cause the Sum supposed to be then actually due from the Defendant or Defendants to be indorsed upon the said Writ of Execution, before such Writ of Execution is delivered to the Provost Marshal, or his Deputy, or within twenty-four Hours afterwards; (unless the next Day shall be a *Sunday*, and then within forty-eight Hours afterwards;) and the Provost Marshal shall not immediately levy for more than the Sum endorsed upon such Writ, and the necessary Costs and Charges of Executing the same. And if any Plaintiff or Plaintiffs shall neglect to cause such Endorsement to be made as aforesaid, or shall indorse upon such Writ any greater Sum than is actually due, he, she, or they shall be liable to and make good any Damage which the Defendant or Defendants shall actually sustain, by reason of such Neglect or erroneous Endorsement; to be recovered by Action upon the Case, with full Costs of Suit. Provided always, that Nothing herein-before contained shall extend, or be construed to extend, to preclude such Plaintiff or Plaintiffs, or his, her, or their Attorney or Attornies, from alleging any greater or other Sum of Money to be due upon the said Judgment or Execution, than is stated in or by the Affidavit or Deposition *herein-after mentioned*; or to prevent or restrain, any further or subsequent Levy upon the Estate or Effects of the Defendant or Defendants, if the Sum afterwards sworn to be due, upon such Judgment or Execution, shall exceed the Sum mentioned or endorsed upon the said Writ of Execution.

XC. And be it also enacted by the Authority aforesaid, That all Monies received by the said Provost Marshal or his Deputy, under or by Virtue of any Writ or Writs of Execution issued out of the said Court of Common Pleas, shall be paid and applied in the Manner directed and appointed in and by a certain Act of this Island *Antigua*, intituled, *An Act for the more equal Distribution of Estates sold by Virtue of Executions*, dated at *Antigua*, the fourth Day of *November*, in the Year of our Lord one thousand seven hundred and eighty-six, and since allowed and confirmed by His Majesty, when and so soon as the said Act shall begin to take effect, and during the Time the said Act shall continue in force. *But in the mean time, and until the said Act shall take effect, all Monies, received by the said Provost Marshal or his Deputy as aforesaid, shall be paid and applied, towards the Satisfaction of the first and other Writ or Writs of Execution, as the same shall be respectively*

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spectively delivered to him, according to the legal Priority of such Writs of Execution; the first of such Writs of Execution being to be fully paid and satisfied, before any Monies shall be applied towards the Payment of any other subsequent Writ or Writs of Execution.

XCI. And be it also enacted by the Authority aforesaid, That in all Cases where Judgment is obtained for a Penalty, the Plaintiff or Plaintiffs, or some or one of them, shall, within *ten Days after the Day upon which a Writ of Execution upon such Judgment hath been lodged with the Provost Marshal, or his Deputy, deliver to the said Provost Marshal, or his Deputy, an Account in Writing of what is really and bona fide due upon such Execution, sworn to before one of the Justices of the said Court of Common Pleas: but if such Plaintiff or Plaintiffs shall be dead, or absent from this Island, then such Account and Deposition may be made and lodged by the Executors, Administrators, or Attorney, of such Plaintiff or Plaintiffs, or some or one of them; and where the Deponents are Executors, Administrators, or Attornies, or where they cannot, from the Nature of the Transaction, properly know of their own Knowledge what is due, such Deposition or Affidavit may be according to the best of the Knowledge and Belief of such Deponent or Deponents. And if such Account and Deposition shall not be lodged with the said Provost Marshal, or his Deputy within the Time herein-before limited, then the next Execution-creditor or Creditors, who shall lodge his, her, or their Account and Deposition within ten Days after the Day upon which his, her, or their Writ of Execution was delivered to the said Provost Marshal, or his Deputy, shall have a Preference to such Execution-creditor or Creditors, so neglecting or refusing to lodge his, her, or their Account and Deposition, and, all other Execution-creditors who shall be guilty of the same Neglect and Default.*

See No. 509,
S. 8.

If Plaintiff
dead or ab-
sent, Affidavit
by Executor
or Attorney.

See No. 509,
S. 8.

XCII. Provided always, and it is hereby also enacted and ordained, That Nothing herein-before contained shall extend, or be construed to extend, to take away the Equality of Distribution intended to be introduced among Execution-creditors, by the said Act of this Island, intituled, *An Act for the more equal Distribution of Estates sold by Virtue of Executions*, when the same shall begin to take effect, and during the Time the said Act shall continue in force: Provided such Execution-creditor or Creditors shall,—before they are entitled to demand, or receive, any Part or Dividend of the Estate or Effects of any Defendant or Defendants, under or by Virtue of the said Act,—make and lodge such Account and Deposition of

Preceding
Clause not to
take away E-
quality of Dis-
tribution,
under No.
472.

Creditors in
Execution, to
make Depo-
sition as after
directed:—
Direction is
not given.
Defect is sup-
plied in No.
509. S. 2.

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what is, justly and *bond fide*, due upon his, her, or their Execution, as is *hereinafter directed*.

Execution to bind Goods, Chattels and Slaves, from Time of Delivery of it to Marshal;

who is to endorse Time of Delivery, and for Fee of 1s. 6d. give Receipts;

under Penalty of 100*l.* half to Party grieved; half towards Fortifications; to be sued for in two Years.

Marshal at Expense of Treasury, to keep Books containing Entries of Executions, Parties' Names, and Time of Delivery;

Entries of Monies levied or received;

XCIH. And be it further enacted by the Authority aforesaid, That all Executions before-mentioned, or herein-after mentioned, and directed against Defendants, or against Sureties on Executions, or against Purchasers on Executions, shall bind the Property of the Goods, Chattels, and Slaves of the Defendants, from the Time the same are respectively delivered to the Marshal, and not before. And the Marshal is hereby required to minute down, on the Back of the Execution, the Day of the Month, and Hour and Minute of the Day, as near as may be, and the Year he receives each Execution respectively; and, on tender of one Shilling and six Pence, current Money of *Antigua*, as a Fee for a Receipt, shall give the Party delivering it a Receipt, immediately upon Request, under his Hand, for each Execution, mentioning the Parties, the Sum, the Year, Day of the Month, Hour and Minute, of receiving it; under the Forfeiture of one hundred Pounds current Gold and Silver Money of *Antigua*, for Refusal or Neglect; half to the Use of the Party grieved, and half to the Use of His Majesty, His Heirs and Successors, to be paid into the Treasury of this Island, for the Use of the Forts and Fortifications; to be recovered by Action on the Case, brought at any Time within two Years after such Refusal or Neglect, in any Court of Record in *Antigua*, by the Party grieved, his Executors or Administrators; in which treble Costs shall be also recovered.

XCIV. And be it also enacted by the Authority aforesaid, That the Treasurer of this Island shall, at the Public Expense, from time to time, find and provide proper and sufficient Books for the Use of the said Provost Marshal, or his Deputy; in which shall be entered all Executions lodged with the said Provost Marshal, or his Deputy, after the Publication of this Act, with the Names of the Plaintiffs and Defendants in each Execution respectively, and the Year, and the Day of the Month, and Hour and Minute of the Day when each Execution was received; and a true and particular Account of all Monies levied and received, or paid, under or by Virtue of, or in Satisfaction of, each Execution respectively; with two Alphabets in each Book, one beginning with the Surname or Surnames of the Defendant or Defendants, and the other with the Surname or Surnames of the Plaintiff or Plaintiffs; each of the said Alphabets referring to the particular Folios, in the same Book wherein the Particulars relating to the respective Executions are written or contained; which Folios shall also refer to some other Book or Books, in which shall be entered,

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entered, particularly, an Account of the Estates, Slaves, Goods, Chattels, Monies, or other Effects of the Defendant or Defendants, sold, received, or disposed of, by the said Provost Marshal, or his Deputy, with the Year, and Day of the Month when the same were respectively sold, and the Prices at which the same were sold, and the Names of the Person or Persons by whom the same were respectively purchased; with two Alphabets also to the last-mentioned Book or Books, one beginning with the Surname or Surnames of the Defendant or Defendants, and the other with the Surname or Surnames of the Plaintiff or Plaintiffs; each of the said Alphabets referring to the particular Folios in the same Book, wherein the Particulars relating to the Sale or Receipts of the said Estate, Slaves, Goods, Chattels, Monies, or other Effects are written or contained. And if the said Provost Marshal, or his Deputy, shall refuse or neglect to make such Entries as aforesaid, he shall forfeit one hundred Pounds, Gold and Silver current Money, to be recovered by Action of Debt, or Information, in the said Court of Common Pleas; in which no Protection, Essoin, or Wager of Law shall be allowed; with full Costs of Suit; the whole of such Penalty or Forfeiture to be to the Use of the Informer, or Person who shall sue for the same.

Entries of
Sales, &c.
under Execu-
tion;

under Penalty
of 100*l*.

*See in No. 509,
S. 1. Process to
enforce from
Marshal Ac-
count and
Payment of
Monies come
to his Hands
under Execu-
tions.*

XCV. And be it further enacted by the Authority aforesaid, That the said Books shall, constantly, remain and continue in the Place where the Marshal's Office now is, or hereafter by Law shall be kept; and shall not be removed or taken therefrom, unless by the Order of some Court of Law, or Equity, in this Island, for the Purpose of inspecting the same, under the Penalty of one hundred Pounds, current Gold or Silver Money, to be recovered in Manner hereinbefore mentioned; and if any Alterations, Erasures, or Obliterations, shall be made in or to any Writing in the said Books, with an Intent to deceive or defraud any Plaintiff or Defendant, Creditor or Purchaser, or his, her, or their Representatives or Assigns, the Person or Persons guilty of such Offence shall suffer the Pains and Penalties inflicted, in Cases of Forgery, by the Common Law of *England*; and shall moreover pay and satisfy unto the Person or Persons grieved by such Alterations, Erasures, or Obliterations, his, her, or their full Damages, to be recovered by Action upon the Case, with Costs of Suit.

Books to re-
main con-
stantly in
Marshal's Of-
fice, unless re-
moved by ju-
dicial Autho-
rity, for In-
spection:
under Penalty
of 100*l*.

Person mak-
ing Altera-
tions, Erasures
or Oblitera-
tions, to suffer
as for Forgery,
and his Estate
to answer Suit
for Damages.

XCVI. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for any Person or Persons, in the usual Office Hours, to examine all or any of the said Books, and to demand and receive Copies or Extracts therefrom, to be signed

Persons, gene-
rally, may ex-
amine Mar-
shal's Books
and demand
Copies or Ex-
tracts; paying
Fees.

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signed by the said Provost Marshal, or his Deputy, and delivered as soon as conveniently may be; paying, therefore, the like Fees as are paid for searching and making Copies of Books, Papers, or Records, in the Secretary's Office of this Island.

Marshal to return Writs of Execution, within three Days after Return-Day, under Penalty of 100%.

XCVII. And be it also enacted by the Authority aforesaid, That the Provost Marshal, or his lawful Deputy, shall make such Return as the Case shall require, on each Execution directed to him as aforesaid, by Indorsement thereon, and sign the same with his Name, and shall lodge the same, within three Days, at farthest, after the Day the same was made returnable in the Secretary's Office of said Island, under the Penalty of one hundred Pounds Gold and Silver current Money of said Island, to the Use of the Plaintiff or Plaintiffs in said Execution, to be recovered by the Party grieved, his, her, or their Executors or Administrators, with treble Costs, in any Court of Record in this Island, by any Action of Debt, or Case, Bill, Complaint, or Information, to be brought within two Years next after such Neglect, wherein no Essoin, Protection, or Wager of Law shall be allowed. Provided nevertheless, that the Plaintiff or Plaintiffs in the said Execution shall or may take his, her, or their Remedy against the Marshal, or the Security or Securities of such Marshal, or his Deputy, if he, she, or they shall make such Election, for any further or other Damage which he, she, or they may have sustained, by reason of such Neglect of the Marshal or his Deputy, any Thing herein contained to the contrary notwithstanding. And the Secretary or his Deputy, is hereby required immediately to file the said Execution and Return with the other Proceedings in said Cause, and give an attested Copy thereof, on Request, to the Plaintiff or Plaintiffs in said Execution, under the same Penalty herein-before inflicted on the Marshal, or his Deputy, for their Neglect, to be recovered within the same Time, and in like Manner, and to the same Uses, as herein-before mentioned; and the Secretary, or his Deputy, for filing the same, shall receive and take the Sum of three Shillings, current Gold and Silver Money, and the like Fee for each attested Copy of such Execution and Return, and no more; the same to be charged to the Plaintiff or Plaintiffs in each Execution, and to be allowed such Plaintiff or Plaintiffs in Costs.

Plaintiff may proceed against Marshal, or his Deputy, for further or other Damage.

Secretary immediately to file Execution and Return, and, if required, give attested Copy under like Penalty as that on Marshal in first Part of Clause.

SECRETARY'S FEES; for filing 3s. for attested Copy, 3s.

Estate and Effects, may be levied on, or Body of Defendant taken, after Return of Writ of Execution.

XCVIII. Provided always, and it is hereby also declared and enacted by the Authority aforesaid, That the said Provost Marshal, or his Deputy, shall and may proceed to levy upon, and sell any Estate, Slaves, Property or Effects, of a Defendant or Defendants, or, if necessary, to take the Body or Bodies of such Defendant or Defendants,

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dants, after the Return of any Writ or Writs of Execution, without any further Writ or Order. And the said Provost Marshal, or his Deputy, or any other Person or Persons, by him or them, authorized or appointed to serve or levy any Writ or Writs of Execution, shall not be obliged to shew, or produce the Original Writ or Writs of Execution, at the Time of serving or levying the same.

Writ need not
be shewn.

XCIX. And be it further enacted by the Authority aforesaid, That all Writs of Execution shall be deemed as actually levied upon the Goods and Chattels, Slaves, Lands, Tenements, and other real and personal Property of the Defendant or Defendants, from the Time such Writ or Writs of Execution was or were, actually, delivered to the said Provost Marshal, or his Deputy. And the said Provost Marshal, or his Deputy, shall,—if not prevented from proceeding, by a Note in Writing from the Plaintiff or Plaintiffs, or his, her, or their Counsel or Attorney,—immediately proceed to take all the Slaves and personal Property of the Defendant or Defendants, and keep the same in safe and secure Custody; unless such Defendant or Defendants shall give Security to produce the same, in Manner herein-after mentioned: and no Advertisements, or Publications of Notice of any Sale of the Goods or Chattels, or Slaves, of any Defendant or Defendants, shall be made by the said Provost Marshal, or his Deputy, until the Property advertised to be sold, shall have been in the Custody of the said Provost Marshal, or his Deputy; or Security hath been given to produce the same at the Day appointed for the Sale thereof.

Execution on
real and per-
sonal Proper-
ty, deemed
actually levied
from Delivery
of Execution
to Marshal;
who is imme-
diately to take
Defendant's
Slaves and
personal Pro-
perty into his
Possession,
unless pre-
vented by
written Order
from Plaintiff.

No Defen-
dant's Proper-
ty to be ad-
vertised for
Sale, until in
Custody, or
Security given
to produce it

C. And all Deeds, Conveyances, and Assurances, in Writing, or otherwise, of Slaves, Lands, Tenements, Goods and Chattels, whatsoever, are hereby declared to be null and void, *as to Creditors*; unless the Party or Parties, to whom the same is made, make it appear by legal Proof, that he is actually and *bonâ fide* a Purchaser for valuable Consideration, really paid or secured, without any Covin; or for other valuable Considerations in Law, according to the Laws and Statutes provided and made, before the Settlement of this Island, in such Cases.

Conveyances
void *as to*
Creditors, un-
less made for
valuable Con-
sideration.

CI. And to prevent the defrauding of Creditors, by fraudulent Devises of Lands, Tenements, and Hereditaments, be it, and it is hereby enacted by the Authority aforesaid, That the Statute made in *England*, the third Year of our late Sovereign Lord and Lady King *William* and *Queen Mary*, Chapter the fourteenth, entituled, *An Act for the Relief of Creditors against fraudulent Devises*, as extant in the same Book printed by the Printers of the Crown, shall be of force,

*English Sta-
tute of 3. W.
and M. Cap.
14. for Relief
of Creditors
against frau-
dulent Devises,
in force in An-
tigua: See
that Statute
subjoined to
this Act.*

for

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for the future, in this Island, as to the Devise of any Person or Persons dying after the Date of this Act; and such Statute Book shall be equal Evidence as the Record or Enrolment could be, in all Cases whatsoever within this Island.

The Benefit of Trusts in Lands, &c. liable to Judgments and Executions, as such Property is liable in England under 29 Car. II. Cap. 3. S. 10. 11. [See Appendix at the End of this Act, Article II.] with the Difference that the Trusts be sold as Lands in Execution under S. 103. 104. 123. 124. 126. and be liable, in case of Action, as Lands under S. 101. Estate for Another's Life, devisable, &c. as in England under last mentioned Statute; [See Appendix to this Act, Article III.] save that Will is to be executed according to Laws of Antigua.

Writ of Execution to be levied, first, on Produce; if insufficient, then on Household Goods; Plantation Stock; Slaves; Lands; Annuities; Debts.

CII. And for the better Support of Credit, be it enacted by the Authority aforesaid, that from and after the Date hereof, the BENEFIT of *Trusts* of Lands, Tenements, Hereditaments, and Slaves within this Island, whether such Trusts be now created or in being, or shall hereafter be created and in being, shall be liable to Judgments and Executions, and be Assets in all Respects, and the Heir and other Persons be chargeable therefore, in the same Manner as such Lands, Tenements, Hereditaments, and Heirs, and Persons are liable in *England*, by the Statute made in the twenty-ninth Year of the Reign of our late Sovereign Lord *Charles* the Second, Chapter the third, entituled, *An Act for Prevention of Frauds and Perjuries*, as the same is extant in the Statutes at large printed by the Printers to the Crown; with the following Alterations, that is to say, THAT the whole Trusts in all the Lands and Tenements, Hereditaments, and Slaves, shall be sold, and Execution be thereon done, as herein-after directed, in Case of Lands, Tenements, Hereditaments, and Slaves, respectively; and that such Trusts shall be liable, *against any Purchasers, thereof*, in all Respects, on the Entry of an Action, or Suit in Equity, as Lands, Tenements, Hereditaments, and Slaves, are, *before or after* hereby made liable. And all Estates, *for the Term of any other Person's Life or Lives*, of Lands, Tenements, Hereditaments, and Slaves within this Island, shall be devisable, descend, and go, and be Assets, in the same Manner here, as such Estates in Lands in *England* are directed by the same last-mentioned Statute, as extant in the same printed Statutes; SAVE ONLY, that no other Kind of Publication, or Execution, or other Number of Witnesses, shall be required for, or to a Will passing the same, than is required to Wills by the Laws and Usages of this Island.

CIII. And be it also enacted by the Authority aforesaid, That all Writs of Execution, delivered unto the said Provost Marshal, or his Deputy, shall be levied in Manner following, (that is to say) in the first Place, on the Cotton, Ginger, Rum, Sugar, or any other Commodities of the Growth of this Island, belonging to the Defendant or Defendants; and, for want of such Goods and Chattels sufficient to satisfy the Debt and Costs, then on the Household Furniture, Plate, and other Goods, of the Defendant or Defendants; and, if the same are not sufficient, then on the Horses, Cattle, and such Plantation

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Plantation Utensils as are not affixed to the Freehold; and, if the same are not sufficient, then upon the Slaves of the Defendant or Defendants; and, if the same are not sufficient, then upon the Lands, Tenements, and Hereditaments, of the Defendant or Defendants, or such Part thereof as will be sufficient to satisfy the Debt and Costs; and for want of sufficient Lands, Tenements, and Hereditaments, then on the Rent Charges or Annuities of the Defendant or Defendants, and if necessary upon the Debt or Debts due to such Defendant or Defendants, or so much or so many as will be sufficient to satisfy the Debt and Costs; and no Fees of Levy shall, in any Case, be paid for any more than the Plaintiff or Plaintiffs shall actually receive, or be paid, of his, her, or their Demand, after the Writ of Execution actually delivered, or actually levied.

No Fees on Levy, for more than Plaintiff shall actually be paid, after Delivery of Execution to Marshal.

CIV. And be it further enacted by the Authority aforesaid, That Rent Charges or Annuities, payable to any Defendant or Defendants against whom any Writ or Writs of Execution shall be issued, shall be levied upon in Manner following, that is to say, the said Provost Marshal, or his Deputy, shall, immediately after Notice given to him by the Plaintiff or Plaintiffs, serve the Person or Persons liable to pay such Annuity or Rent Charge, or his, her, or their Attornies or Attorney, with a Notice in Writing, signifying that the said Provost Marshal, or his Deputy, doth thereby levy upon all and every Rent Charges or Annuities payable to the Defendant or Defendants, by virtue of a certain Writ of Execution, mentioning the Particulars of such Execution, or, if more than one Writ of Execution hath been issued against such Defendant or Defendants, by virtue of sundry Writs of Execution, issued against the Defendant or Defendants; and requiring such Person or Persons not to pay any Part of the said Annuities or Rent Charges unto the said Defendant or Defendants, until the said Execution or Executions are fully paid and satisfied, as he, she, or they will answer the contrary at their Peril, or to the like Purport or Effect; which Notice or Levy shall be signed by the said Provost Marshal, or his Deputy, and served in the same Manner as Writs of Summons are herein-before directed to be served; and after such Levy or Notice, such Annuities or Rent Charges shall become payable and be paid unto the said Provost Marshal, or his Deputy, for the Use of the Execution-creditor or Creditors of the Defendant or Defendants, until such Annuities or Rent Charges shall have been sold, under or by virtue of the Writ or Writs of Execution issued against such Defendant or Defendants,

Annuities or Rent Charges to be levied on by Notice from Marshal to Person paying Annuity:

served as Writs of Summons in S. 10.

Annuities to be paid to Marshal, for Use of Creditors, until absolutely sold, or Execution satisfied:

Marshal may
sue for Ar-
rears in his
own Name, as
Assignee of
Defendant.

Where Judg-
ment against
Incumbent of
any Parish,
only one
Moiety of his
Stipend to be
levied on—
which Moiety
Churchwar-
dens, on No-
tice, are to
pay to Mar-
shal.

The Person
of Incumbent
to be exempt
from Arrest
or Execution
at Suit of a
Subject.

Churchwar-
den to enter
Notice of Le-
vy in Parish
Book, or make
Payment out
of his Estate.

Debts to De-
fendant in Ex-
ecution, are to
be levied upon
by Notice to
Debtor re-
quiring Pay-
ment to Mar-
shal:

or such Writ or Writs of Execution shall have been otherwise paid or satisfied; and such Annuities or Rent Charges, or the Arrears thereof, due or owing after such Notice or Levy, shall and may be sued for by the said Provost Marshal, or his Deputy, in his own Name, as Assignee of the said Defendant or Defendants; and the said Provost Marshal, or his Deputy, shall have the like Actions and Remedies for recovering the said Annuities or Rent Charges, whilst the said Executions remain unsatisfied, as the Defendant or Defendants, to whom the same were payable, might or could have had, before such Notice or Levy.

CV. And in case Judgment shall be obtained against an Incumbent of any Parish of this Island, who hath not sufficient Goods, Chattels, Slaves, Lands, Tenements, Rents, Annuities, or Debts, to be levied on; then, one Moiety only, and no more, of his Stipend payable by the Parish shall be liable to be levied on, and in the same Manner as in case of Rent Charges or Annuities; and Notice of Levy shall be left with the Churchwardens of the Parish, or one of them; after which the Churchwarden or Churchwardens of the same Parish for the time being, shall be obliged to pay the same Moiety to the Marshal, until the Debt, Damages and Costs are paid, as fast as it shall be received from the Parish, on pain of being sued on Misapplication, and paying it out of his or their proper Estates; and the remaining Moiety shall be paid to the Incumbent for his Support, and not be liable to be levied on by any Execution or Executions whatsoever; and the Body of every such Incumbent is hereby exempt from being taken in Execution, for any Judgment for Debt, Costs or Damages, at the Suit of a Subject; and such Incumbent shall be deemed a Freeholder, exempt from Arrests in Civil Causes; and the Churchwarden receiving such Notice of Levy is, at his Peril, to get the same entered in the Parish Book of Vestry Minutes, or else shall be liable, out of his own proper Estate, for all Mispayments which shall be made by any succeeding Churchwardens, until such Entry shall be made.

CVI. And be it further enacted by the Authority aforesaid, That all Debts due or owing to any Defendant or Defendants, against whom any Writ or Writs of Execution shall be issued, shall be levied upon in Manner following, that is to say, The said Provost Marshal, or his Deputy, shall, upon Notice given to him by the Plaintiff or Plaintiffs, serve the Person or Persons from whom any Debt is due or owing unto such Defendant or Defendants, or his, her, or their Attornies or Attorney, with a Notice in Writing, signifying, that

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that the said Provost Marshal, or his Deputy, doth thereby levy upon all and every Sum and Sums of Money then due or owing, or thereafter to become due or owing, to the Defendant or Defendants, by virtue of a certain Writ of Execution, mentioning the Particulars of such Execution, or, if more than one Writ of Execution hath been issued, by virtue of sundry Writs of Execution, issued against the Defendant or Defendants; and requiring such Person or Persons, or Debtor or Debtors, not to pay any Monies unto the said Defendant or Defendants, but unto the said Provost Marshal, or his Deputy, towards the Satisfaction of such Writ or Writs of Execution, as he, she, or they will answer the contrary at their Peril, or to the like Purport or Effect; which Notice or Levy shall be signed by the said Provost Marshal, or his Deputy, and shall be served in the same Manner as Writs of Summons are herein-before directed to be served; and, after such Notice or Levy, such Debt or Monies shall become payable, and be paid unto the said Provost Marshal, or his Deputy, for the Use of the Execution-creditor or Creditors of the said Defendant or Defendants, and shall and may be recovered by the said Provost Marshal, or his Deputy, in manner herein-after particularly mentioned.

Notice served
as Writs of
Summons in
S. 10.

S. 143, et seq.
usque ad 150.

CVII. And be it further enacted by the Authority aforesaid, That the Receipt or Receipts of the said Provost Marshal, or his Deputy, for any Sum or Sums of Money paid by any Person or Persons, for or upon account of any Annuities or Rent Charges, Stipends, or Debts levied upon as aforesaid, or an Entry of such Payments in the Book or Books of such Provost Marshal, or his Deputy, shall be a sufficient Discharge for the Sum or Sums of Money mentioned to have been received; and the Person or Persons paying the same to the said Provost Marshal, or his Deputy, shall not be compelled to prove any actual Levy or Notice made or given to him, her, or them, or be in any Manner answerable or accountable for the Non-application or Mis-application of the Monies by him, her, or them paid to the said Provost Marshal, or his Deputy.

Marshal's Re-
ceipt, or Entry
of Payment in
Marshal's
Book, suffi-
cient Dis-
charge to
Debtor.

CVIII. And be it also enacted by the Authority aforesaid, That whenever, hereafter, any Cotton, Ginger, Sugar, Rum, or any other Commodities of the Growth and Manufacture of this Island, shall be taken in Execution, for the Payment of any Debt or Damages, recovered generally in current Money of *Antigua*, and the Parties concerned cannot agree about the Prices thereof, that a Warrant under the Hand and Seal of the Chief Justice of the said Court, or, in case of his Sickness, Death, or Absence from the Island, under

When Parties
cannot agree
as to Price of
Produce taken
in Execution;
Chief acting
Judge, on
Plaintiff's Ap-
plication, to
require, by
Writ, Defen-
dant to appear
in four Days
and

and nominate two Appraisers:—to be joined with two Appraisers of Plaintiff, and Umpire named by Judge:

If Defendant fail in Nomination, Plaintiff's two Appraisers, and Judge's Umpire, to act without.

Appraiser's and Umpire's

OATH.

the Hand and Seal of the next senior Judge of the Court, directed to the Defendant, shall issue, upon Application of the Plaintiff, or any on his behalf, commanding the Defendant to appear before him, at a certain Day and Place, not exceeding four Days after the Date of the Writ, to nominate two Persons on his behalf, to value and appraise such Cotton, Ginger, Sugar, Rum, or any other Commodities of the Growth or Manufacture of this Island, as had been taken from him by Virtue of the aforesaid Writ of Execution: and in case he shall neglect or refuse to appear, and Proof being made before the said Chief Justice, or next senior Judge, by the Oath of the Plaintiff, or one of the Plaintiffs, or one good credible Witness, of the said Defendant's being served with the said Warrant, or of its being left at his last Place of Abode; or, if he shall appear duly, and neglect or refuse then to nominate two Appraisers; then, in either case, a Warrant under the Hand of the said Chief Justice, or next senior Judge, shall be issued, and directed to three Persons, two to be nominated and appointed by the Plaintiff or his Attorney as Appraisers, and the third by the Judge issuing the Warrant as an Umpire, commanding them,—at nine of the Clock in the Morning, on a Day certain, therein to be specified, or at any Time after on the same Day,—to view, value, and appraise such of the said Commodities as have been taken from the said Defendant, by virtue of the aforesaid Writ of Execution; and if the same two Appraisers cannot agree, the said Umpire to decide the same: but in case the Defendant do appear, at the Day appointed for appearing, to nominate Appraisers, and shall nominate his Appraisers accordingly,—the said Writ for Appraisement shall be directed to five Persons; of whom, two shall be nominated by the Defendant; and two, by the Plaintiff, as *Appraisers*; and a fifth, by the Chief Justice, or senior Judge, issuing the Warrant, to be an *Umpire*; and in case the said Appraisers, or the major Part of them, being so met, cannot agree about the Commodities, such fifth Person shall decide the same; all which Appraisers shall, before they make the said Appraisement, be sworn by the Marshal, or his Deputy, to the following Oath, *videlicet*.

I [A. B.] do swear, that I will make a just, true, and conscionable Appraisement of all such Cotton, Ginger, Sugar, Rum, or other Commodities of the Growth or Manufacture of this Island, [as the Case may be] levied on by the Marshal, or his Deputy, by virtue of a Writ of Execution issued against [C. D.] at the Suit of [E. F.] as shall be shewn me by

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by the Marshal, or his Deputy, according to the best of my Judgment and Understanding, and neither from Favour, or Affection, Hatred, or Malice, or Ill-will, vary from the Value, which in my Judgment I think the same be really worth, if to be sold for Gold or Silver current Money of Antigua.

SO HELP ME GOD.

And in case a Majority of Appraisers do not agree, the Umpire shall be sworn to the same Oath, and immediately make his Umpirage; and the Marshal or his Deputy, who shall be present at such Appraisalment, shall return the same, certified under his Hand and Seal of Office, into the Secretary's Office, within three Days after such Appraisalment shall be made, and give immediate Notice to the Parties that he hath returned the same.

Marshal to return Appraisalment, into Secretary's Office, in three Days.

Appraisers, or Umpire, neglecting to attend and appraise, to forfeit 50*l.* recoverable, with Costs, by Action or Information.

Half to Party grieved; Half towards Fortifications.

If no Appraisalment, new Warrant may be issued.

If Levy made on Slaves, or on Goods not merchantable Produce grown in Antigua,

CIX. And in case such Appraisers or Umpire, being personally served with a Copy of such Writ, with an Indorsement or Notice in Writing therewith, specifying at what Place the Things taken in Execution are to be appraised, (such Service to be at least twenty-four Hours before the Time required for Attendance,) shall refuse or neglect their or his Duty, in making such Appraisalment according to the Tenor of such Warrant, unless prevented by Sickness or other unavoidable Accident, they, or he, shall forfeit the Sum of fifty Pounds, current Money of this Island, to be recovered, with full Costs, by Action or Information, by the Party grieved, his Executors or Administrators; and shall be levied and applied, one Half to the Use of His Majesty, His Heirs and Successors, to be paid into the Treasury of this Island, and applied towards the Building and Repairing the Forts and Fortifications of this Island, and the other Moiety to the Use of the Party grieved, his Executors or Administrators. And in case there shall not be any Appraisalment made, pursuant to the first Warrant issued, the Chief Justice, or, in his Absence or Sickness, the next senior Justice, may and shall issue a Warrant for such Appraisalment, directed to any other four Appraisers, and an Umpire, such as he shall think proper, and so as often as occasion shall require; which last-mentioned Appraisers and Umpire shall be subject, in all respects as those first named, to the Penalty for not doing their Duty.

CX. And be it further enacted by the Authority aforesaid, That whenever the Levy shall be on Slaves, or on any Goods and Chattels, not being the merchantable Commodities of the Growth of this Island, the Marshal, or his Deputy, shall be obliged, upon Request of

tigua,—Mar-
shal to re-de-
liver them to
Defendant, or
his Attorney
or Agent; if
Security given
to return same
at the End of
twenty-three
Days, after
Date of Bond.

Defendant or
Agent, if re-
quired, to take

OATH.

Securities'
OATH.

Where twen-
ty-third Day
falls on Sun-
day, or be-
tween 30th
Sept. and 1st
April; Condi-
tion to be, for
returning
Slaves on
twenty-fourth
Day, or on
2d April;
and Plaintiff
to have Inte-
rest upon his
Debt from
Date of Bond.

of the Defendant, or, in his Absence from the Island, his Agent or Attorney, to deliver the same to the said Defendant, his Agent or Attorney: Provided he, or they, do make the said Request, and make Oath, and give Bond,—in six Days after the said Slaves, Goods or Chattels, have been actually seized or taken in Possession; with two sufficient Sureties; all to be bound jointly and severally, either in the Name of the Plaintiff or Plaintiffs, or in the Name of the said Marshal, or his Deputy,—to return the same, at the End of twenty-three Days after the Day of the Date of the said Bond, in order to be sold, at public Outcry, towards Satisfaction of the Plaintiff's Debt, or else to pay and satisfy the said Debt and Costs, at the Expiration of the said twenty-three Days; and the Species of the Goods, and Names and Sexes of the Slaves, so levied on, shall be particularly specified, either in the Condition of the Bond, or in-dorsed on, or annexed to it: and, before such Surety shall be ac-cepted, the Defendant, or his Agent or Attorney if the Defendant be absent, if thereto required by or on behalf of the Plaintiff, shall make Oath, *THAT he will not remove from this Island, nor conceal, or willingly suffer to be removed or concealed, or any way alter the Property of any such Slaves, Goods, or Chattels; but will re-deliver the same pur-suant to such Bond, as far as ever he shall be then able, or have it in his Power, in order to be sold for the Plaintiff's Judgment; and the Secu-rities, before they shall be accepted, shall, each, make Oath, THAT he thinks, in his Conscience, he is worth the Value of the Things returned: which Oath shall be taken before a Judge of this Court, and lodged in the Secretary's Office of this Island, or else such Goods and Slaves shall be dealt with, and sold, as though no Security was given at all for the same. Provided always, and it is hereby further enacted by the Authority aforesaid, any Thing in this Act contained to the contrary notwithstanding, That if such twenty-third Day shall hap-pen to fall upon Sunday, or at any Time between the thirtieth Day of September, and the first Day of April then next ensuing the Date of the same Bond, that the said Bond, where there are Slaves levied on, shall be conditioned to return the same upon the twenty-fourth Day, or upon the second Day of April, then next ensuing the Date of the same Bond, as the Case shall require, in order to be sold, by public Outcry, for the Purposes last-mentioned; and in such Case, the Plaintiff or Plaintiffs,—where the Debt does not, from the Nature of the Contract on which the Judgment was recovered, carry Interest,—shall be allowed Interest upon such Debt, at the Rate of six per Centum*

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Centum per Annum, from the Day of the Date of such Bond, until such Plaintiff or Plaintiffs be paid his or their said Debt.

CXI. And if the Condition of such Bond be not performed, then shall issue a new Execution, either against the Defendant, or his Sureties, or any one or two of them, jointly or severally, at the Plaintiff's Choice; which new Execution shall issue, upon such Request, Entry upon Record, and with and under such Circumstances, as in case of Execution against Purchasers of Lands and Tenements failing to pay their Purchase Money in Time, as hereinafter directed; and shall recite, concisely, the Substance of the first Execution, the Levy, the Marshal's Return thereof, the Security Bond, both Date and Substance of the Contents. And the Marshal, or his Deputy, are hereby respectively empowered, by such new Execution, to levy upon the Goods, Chattels; Slaves; Lands, Tenements, Hereditaments; Rent Charges, Annuities; and Debts; of the said Defendant, or his Sureties, for as much of the Penalty of the said Bond, as will amount unto the Value of such or so many Slaves, Goods and Chattels, as were delivered unto the Defendant, and not duly returned, with twenty *per Centum* more upon the Amount of such Value, and so in Proportion, with Costs on the same, to the Plaintiff's Use, in case the same were appraised by Procurement of the Defendant; and if not so appraised, then to levy for as much of the Penalty as will satisfy the Plaintiff's Execution, with twenty *per Centum* thereon; and the same Goods, Chattels, Lands, Tenements, Hereditaments, Rent Charges, Annuities, Debts, and Slaves, immediately to sell and dispose of, by public Outcry, at any Town in this Island, for ready Gold and Silver Money paid down in Hand, and the Produce whereof the said Marshal, or his Deputy, is to deliver to the Plaintiff, as far as necessary, to satisfy his said Demand; and in case the said Marshal, or his Deputy, cannot find Goods and Chattels; Slaves; Lands, Tenements, Hereditaments; Rent Charges, Annuities; and Debts, of the Defendant, or his Sureties, sufficient to answer the said Value, if so settled by Appraisement, and twenty *per Centum* thereon, or, in Default of such Appraisement, sufficient to pay the said twenty *per Centum*, with the Debt and Costs, he is then to attach the Bodies of the Defendant and his Sureties, or any or either of them, and him or them safely to keep, until the said Debt, and all Costs of the said appraised Value, if so settled by Appraisement, as the Case shall require, with the aforesaid twenty *per Centum*, shall be satisfied and paid, with the subsequent Costs of Levy; and such new Execution shall bind all the Lands, Tenements, Goods, Chattels,

If Condition of Bond not performed: new Execution (sued out as Executions against Purchasers making Default in S. 129,) to issue against Defendant and his Sureties, or any one or two of them; to levy (taking the various Property according to the Order in S. 103,) so much of Penalty as will be equal to Debt, or appraised Value of Goods, and twenty *per Cent.* more with Costs.

If Levy insufficient, to imprison Defendant and Sureties, or any one or two of them.

New Execution to bind Property in Hands

Hands of Per-
son purchas-
ing after Issue.

Hands of Per-
son purchas-
ing after Issue.

Security-
bond, taken
in Marshal's
Name, may
be assigned to
Plaintiff, and
proceed up-
on by new Ex-
ecution as in
S. 111.

Court may
give same Re-
lief against
Penalty, as in
case of Bail-
bond, S. 19.

If Bond not
given, Mar-
shal to keep
Slaves or
Goods in
Common Jail,
and advertise
and sell them
at any time
after ten clear
Days' Notice.

If Bond given
after Property
advertised;
Sale to be
postponed till
twenty-third
Day after
Date of Bond:
See Proviso
in S. 110.

If Bond given
after Property
advertised;
Sale to be
postponed till
twenty-third
Day after
Date of Bond:
See Proviso
in S. 110.

Chattels, Slaves, Hereditaments, Rent Charges, and Annuities, of the Person or Persons liable to such new Execution, in the Hands of any Person, or Persons, purchasing the same after issuing, and minuting, and alphabeting the same in the Secretary's Office; all which the Secretary, or his Deputy, are required thereon to do, as directed in case of Execution against Purchasers of Lands making Default of Payment, and before delivering the same new Execution out of his Office.

CXII. And be it further enacted by the Authority aforesaid, That such Bonds, taken for returning Slaves, Goods or Chattels, taken from a Defendant in Execution, if taken in the Marshal's Name, or his Deputy's, shall be assignable to the Plaintiff or Plaintiffs, and all such last mentioned Bonds shall be liable, by a new Execution, (as the first Process, as before directed, in the Names of the Plaintiffs,) and be defeasible as before directed in case of Bail-bonds to the Marshal, or as near the same Manner as the Reason of the Case will permit; always taking care the Plaintiff or Plaintiffs be first satisfied, according to the true Meaning of the Condition of such Bonds; and if such last mentioned Bonds be in the Marshal's Name, the new Execution is to mention it, with the Assignment of it, briefly, and all such Bonds shall be defeasible upon legal Satisfaction, and such Order shall be made thereon by the Court as shall be reasonable.

CXIII. And in case any Slaves, Goods, or Chattels, shall be taken from a Defendant or Defendants, and he shall neglect to make Application and actually give Bond to the Marshal, or his Deputy, within the Time, herein-before limited, for having them delivered to him or them, the said Marshal or his Deputy, is to keep them in his Custody and Possession, in the Common Jail of this Island, at the Defendant's Expense, and forthwith to advertise the same for Sale, at any time after the Expiration of ten Days, (exclusive of the Day of Sale and Day of Notice;) and, at the End and Expiration of the Time mentioned in the said Publication, to proceed to make sale of them, by public Outcry, in the Method directed and appointed by this Act.

CXIV. And be it further enacted by the Authority aforesaid, That if such Slaves, Goods, or Chattels, shall have been advertised for Sale before such Security-Bond, as herein-before mentioned, shall have been given; and such Security-Bond shall be afterwards given, within the Time herein-before limited; then Advertisements or Publications shall be made, signifying, that the said Sale is postponed, and the Time and Place to which such Sale is postponed: and where such

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such Security Bond is given, the Sale shall be upon the twenty-third Day after the Date of such Security Bond; except where such twenty-third Day shall happen to be *Sunday*, or between the last Day of *September* and the first Day of *April*; and then, upon the twenty-fourth Day, or upon the second Day of *April*, as the Case shall require.

CXV. And be it also enacted by the Authority aforesaid, That in case the Marshal, or his Deputy, shall, unduly, make any Delivery of Slaves, Goods, or Chattels, taken in Execution, without observing the Methods of Proceeding, and taking Bond as hereby directed, the Defendant or Defendants shall not be liable to any twenty *per Centum*, in respect of those Goods, Chattels, or Slaves: but it shall be deemed a direct Breach of the Condition of the Security Bond, given, pursuant to the Act of this Island in such Case made and provided, by such Marshal, or Deputy, and the same Bond shall, thereon, become forfeited: or, in case there be a Bond taken duly by such Marshal, or Deputy, and he shall refuse to assign it, as herein-after directed, in six Days after the demand,—or, if he shall refuse or neglect to deliver it in such six Days, if taken in the Plaintiff's Name, to the Plaintiff, his Counsel or Attorney, requesting the same,—that, also, shall be a direct Breach of the Condition of such Marshal's Security Bond, and the same Bond thereon, be forfeited, and suable as the Law directs, for the Benefit of the Party: or, in either of the said Cases, the Marshal, or his Deputy, may be sued in Action of Case or Debt, as the Party injured pleases: but yet not to be any Discharge to the Defendant, until the Plaintiff's Demand is satisfied: and the Marshal, his Deputy, and Securities, shall answer twenty *per Centum* to the Plaintiff, and his Debt and Damages, with treble Costs of Suit, for Default of taking such Bond duly, or for Default of so assigning or delivering the same to the Plaintiff, his Counsel or Attorney, upon such request. And if the Debt, with the Costs and Damages, partly or wholly, be levied on, or paid by the Marshal, or his Deputy, or Securities, he or they may make Use of the Plaintiff's Judgment and Execution, to repay themselves, so much as paid by, or levied on him, out of what is due, on the Plaintiff's Judgment and Execution, to the Plaintiff, and no further; and he shall not be entitled to levy any twenty *per Centum* thereon.

CXVI. And for as much as dead Goods cannot be immediately removed when levied on, be it also enacted by the Authority aforesaid, That if any dead Goods, or Chattels whatsoever, shall be levied on and taken in Execution, the same shall be immediately inven-

If Marshal makes undue Delivery of Slaves, Goods, or Chattels; Defendant not to forfeit twenty *per Centum*: but Security Bond given by Marshal, under Act No. 94, shall be deemed forfeited; and Plaintiff may commence Action and proceed against Marshal, for the twenty *per Centum*, Debt, Damages, and treble Costs. So also, if Marshal take Bond, in Plaintiff's Name and refuse to assign it.

Marshal to recover from Defendant only to Amount of Sum in Judgment and Execution.

Dead Goods or Chattels, on being taken in Execution, to be inventoried by Marshal;

shal; though
not taken
away by Mar-
shal, to be
deemed in
Custody of
Law; em-
bezzling, de-
stroying, or
withdrawing
them, a great
Contempt, for
which Court
may fine and
imprison.

Plaintiff may
make further
Levy to Value
of Goods em-
bezzled.

Defendant,
&c. shewing
Goods or
Slaves the
Property of
another to
Marshal to be
levied on, to
forfeit double
Value.

If Goods pe-
rish or Slaves
die before
Sale, further
Levy

toried by the Marshal, or his Deputy, and shall be deemed to be in Custody of Law, although the Marshal do not keep actual Possession thereof; and if the same be not removed or sent-off immediately, and such Goods and Chattels shall happen to be embezzled, destroyed, injured, or made-away-with, before the same can be carried or sent conveniently from the Place in which they were levied on, the same is hereby declared a great Contempt of the said Court; and the Person who shall so embezzle, destroy, injure, or make-away-with the same Goods or Chattels, or shall be aiding, assisting, or advising, thereto, or shall be suspected so to have done, (Oath being made, before some one of the Judges of the Court, of such Embezzlement, Destroying, Injuring, or Making-away-with, and the Affidavit filed in the Secretary's Office,) shall be brought in by Attachment, and examined upon Interrogatories touching such Contempt; and being proved Guilty, or confessing the same, shall be fined for such Contempt, and committed until he pays the same, with Costs of the Contempt, and until he or they pay into Court the Value of the Goods and Chattels so embezzled, destroyed, injured, and made-away-with; the Value to be settled by the Court, without a Jury, on due Examination, and to be paid for the Use of the Plaintiff; and also shall suffer further, if the Court think proper, any Imprisonment without Bail or Main-prize, for any Time not exceeding thirty Days, in the Common Jail: but nevertheless it shall be at the Election of the Plaintiff, to levy further for the Value of the Goods lost, embezzled, or made-away-with, on the Defendant; and such Levy, if made, shall discharge the Persons embezzling, making-away-with, destroying, or injuring, from making good the same Value,—but not from any other Punishment for their Contempt.

CXVII. And in case any Defendant, or Buyer as aforesaid, shall shew any Goods, Chattels, or Slave, belonging to any other Person at that Time, to the Marshal, to be levied on by him, and that thereby such Goods, Chattels, or Slaves, shall be recovered, or lawfully taken, from the Person or Persons purchasing the same, his Heirs, Executors, or Administrators, such Defendant shall forfeit double the Value of the said Goods, Chattels, and Slaves to the Party grieved, his Executors or Administrators, to be recovered in any Court of Record in this Island, by an Action of Debt, or Case, Bill, Complaint, or Information, wherein no Essoin, Protection, or Wager of Law, shall be allowed.

CXVIII. And if any Goods, Chattels, or Slaves, taken from a Defendant or from a Purchaser, either of Lands, Tenements, Hereditaments, Slaves, Goods or Chattels, die or perish before the Sale, the

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the Marshal, or his Deputy, may make a further Levy; and if the Loss of the said Goods, Chattels or Slaves, hath been occasioned by Abuse or Neglect of the Marshal, or his Deputy, the said Marshal or his Deputy shall be responsible for the same, to the Owner or Proprietor thereof. And such Slaves, Goods, or Chattels, so further levied on, shall be sold, without further Notice; at the same Time and Place as those dying or perishing were to be sold, if Time permits after such Death or Perishing; or else on that Day seven-night, if it can be done; or as soon after as conveniently may be done, at the same Place, without further Publication.

Levy may be made: but Marshal responsible for any Loss through his own Abuse or Neglect.

CXIX. And be it also enacted by the Authority aforesaid, That the Defendant shall be at the Charge of carrying all his Goods and Chattels taken in Execution to the Place of Sale; and if he refuse or neglect the same, the Marshal, or his Deputy, is hereby authorized and required to provide Carts and Cattle, and such other Necessaries as shall be convenient, to carry the same, the Charge whereof shall be defrayed and borne by the Defendant, and to be deducted out of the Produce of the said Goods and Chattels; and on Dispute about the Charges, as to the Sum to be allowed, the Court shall settle it.

Defendant to be at Charge of removing Goods to Place of Sale: if he neglects, Marshal to remove them.

Court to settle Charges, if disputed.

CXX. And be it further enacted by the Authority aforesaid, That whenever any Slaves, Goods, or Chattels, are to be sold at Out-cry, the Marshal, or his Deputy, shall set the same up in Parcels; and Slaves shall be set up and sold in the Town of *Saint John* only, one by one, save where there is or are a Child or Children under the Age of twelve Years, which shall be set up with the Mother, if there be a Mother to be sold: and that all such Sales by Public Out-cry shall begin at ten o'Clock in the Forenoon, and if the Sale shall not be concluded at one o'Clock in the Afternoon of the same Day, the same shall be adjourned until three o'Clock in the Afternoon of the same Day: and all such Sales shall continue, while there is any Thing to be sold, until Sun-set: and that no fresh Lot, whatsoever, shall be set up *after* Sun-set; at which Time the Provost Marshal shall adjourn the same Sale to the next Day, *Sunday* excepted, and so on, from Day to Day, until the whole shall be concluded. Provided always, That no Slaves sold in Execution shall be struck down in less than an Hour after the same have been first set up; and that the Sale of Lands or Tenements shall be finished at the Setting of the Sun, and not before; and that all such Goods and Chattels, or other Things, except Slaves as aforesaid, taken from the Defendant shall be sold at such Place as the Defendant shall appoint: provided

Goods levied on, to be set up in Parcels; Slaves to be sold in Town of *St. John* only, one by one, except Children not twelve Years old, who are to be sold with the Mother.

Slaves not to be struck down in less than an Hour; nor Sale of Lands finished till Sun-set. Property, not Slaves, to be sold at any such Town

in S. 124 as
Defendant,
by timely No-
tice, shall ap-
point.

St. John's
Town, the
paying Place.
Goods and
Slaves to re-
main with
Marshal till
Payment, at
Charge and
Risk of Pur-
chaser.

Purchasers at
Marshal's
Sale, to depo-
sit 5*l.* per Cent.
on Sum not
exceeding
100*l.*—4*l.* per
Cent. on more
than 100*l.* not
exceeding
200*l.*—3*l.* per
Cent. on more
than 200*l.* not
exceeding
300*l.*—2*l.* 10*s.*
per Cent. on
more than
300*l.* not ex-
ceeding 500*l.*
—2*l.* per Cent.
on more than
500*l.* not ex-
ceeding 1000*l.*
and 1*l.* per
Cent. on more
than 1000*l.*—
or Bidding to
be void.

Execution-
Creditor, en-
titled to Sum
equal

it be one of the Towns mentioned in this present Act, and that the Defendant do signify the same to the Marshal, or his Deputy, before he causes Publications to be fixed up; but if the Defendant shall neglect or refuse to give the said Marshal timely Notice of the Place where he will have the Goods and Chattels sold or disposed of, then the said Marshal, or his Deputy, shall cause them to be sold in the Town of *Saint John*, where all Purchasers have Liberty to make their Payments; and each Purchaser shall have fourteen Days after the Sale for making his Payment; and that the said Goods and Chattels, or Slaves, do remain in the Custody of the Marshal, or his Deputy, at the Charge of the PURCHASER, at the Purchaser's Risk in case of Death, until he, she, or they do make Payment.

CXXI. And, in order to prevent Persons in indigent Circumstances from wantonly bidding for the Purchase of any Lands, Tenements, Slaves, Goods or Chattels, sold by the Provost Marshal, or Deputy Provost Marshal, as aforesaid, to the Prejudice of the Party or Parties interested in such Sale, be it also enacted by the Authority aforesaid, That the best Bidder for such Lands, Tenements, Slaves, Goods or Chattels, shall immediately pay into the Hands of the said Provost Marshal, or Deputy Provost Marshal, in current Gold or Silver Money, the Sum of five Pounds for every hundred Pounds bid by him, her, or them, if the Purchase Money, or Sum bid, does not exceed the Sum of one hundred Pounds; the Sum of four Pounds for every hundred Pounds bid by him, her, or them, if the Purchase Money is more than one hundred Pounds, and doth not exceed the Sum of two hundred Pounds; the Sum of three Pounds, for every hundred Pounds bid, if the Purchase Money is more than two hundred Pounds, and does not exceed three hundred Pounds; the Sum of two Pounds and ten Shillings for every hundred Pounds bid, if the Purchase Money is more than three hundred Pounds, and does not exceed five hundred Pounds; the Sum of two Pounds for every hundred Pounds bid, if the Purchase Money is more than five hundred Pounds, and does not exceed one thousand Pounds; and the Sum of twenty Shillings for every hundred Pounds bid, if the Purchase Money is more than one thousand Pounds: or, in Default thereof, such Bidding shall be wholly void; and the next best Bidder, who shall make such Deposit or Payment as aforesaid, shall be declared the Purchaser of such Lands, Tenements, Slaves, or Chattels: Provided always, That no Execution-creditor, who shall be entitled to so much of the Monies arising from such Sale as will be sufficient

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sufficient to pay or satisfy the said Deposit, shall be obliged to pay down any further or other Sum. And, in order to prevent many Inconveniences which have arisen, from Debtors or Defendants having bid for their own Lands, Tenements, Slaves, Goods or Chattels, sold by virtue of Executions, be it also enacted by the Authority aforesaid, That no Defendant or Defendants shall be permitted to bid, or become the Purchaser or Purchasers, at the Marshal's Sale of any Lands, Tenements, Slaves, Goods or Chattels, sold by virtue of any Writ or Writs of Execution.

equal to Deposit, not obliged to pay down more.

Defendant not to bid or purchase.

CXXII. And the Marshal, or his Deputy, is hereby, respectively, required, on Demand, to give a Receipt in Writing—to any Purchaser on Executions, and, any Defendant, or his Attorney, paying any thing towards Discharge of any Execution—for the Particulars received, and for what, without any Fee or Reward, under the Penalty of five Pounds, current Money of *Antigua*, and treble Costs, recoverable, and to be sued for in the like Time and Manner, and to the same Uses, as in the Case of neglecting or refusing a Receipt for an Execution.

*Marshal to give Receipt, if required, for Monies paid by Purchaser or Defendant, under Penalty of 50*l.* recoverable as in S. 93.*

CXXIII. And be it further enacted by the Authority aforesaid, That all Lands and Tenements, of Freehold, or for Years, levied on by virtue of this Act, with all Buildings, Mill, Stills, Coppers, and Improvements thereon, shall, or may, be sold at public Out-cry upon the fortieth Day, after the Writ or Writs of Executions hath or have been delivered to the said Provost Marshal, or his Deputy, exclusive of the Day of Delivery, by the Provost Marshal, or his lawful Deputy, to the best Bidder; and if such fortieth Day shall happen to be *Sunday*, such Sale shall be on the Day following: Provided nevertheless, that if the Defendant pay all the Executions, then in the Marshal's Hands against such Defendant, on or before the said fortieth Day, the Lands and Tenements shall be discharged thereof.

Lands and Tenements may be sold on fortieth Day, after Writ of Execution has been delivered to Marshal, exclusive of Day of Delivery.

CXXIV. And be it also enacted by the Authority aforesaid, That no Plantation, Lands, or Tenements, shall be exposed to public Sale until thirty Days after public Notice shall have been given, in all the News-papers then printed in this Island, of the particulars levied on, and the Place of Situation, and the Day of Sale; and if no public News-papers shall be then printed in this Island, the said Provost Marshal or his Deputy shall cause Publications thereof to be fixed up at the South Gate of the Court House in the Town of *Saint John*, and in some conspicuous Place in each of the Towns of *Parham*, *Falmouth*, *Willoughby Bay*, and *Old Road*.

No Lands or Tenements to be sold until thirty Days after public Notice.

By No. 509, S. 11. Notice to be computed from Date of first News-paper in which it shall appear.

CXXV.

Title Deeds
of Lands levied
on, with
Brief, and
Counsel's
Opinion, to be
left with Mar-
shal, ten Days
before Sale.

Fees out of
Purchase Mo-
ney.

Marshal to
minute Day
of receiving
Deeds, Brief,
and Opinion;
and not pro-
ceed to sell
without.

Where Free-
hold of De-
fendant is
more than
sufficient to
pay Execu-
tion, he may
chuse what
Part he will
have sold; if
he delivers,
to Marshal,
Appraisement
verified as in
Clause.

Where the
Property sold
exceeds Exe-
cution; Mar-
shal to pay
Surplus to
Defendant
in six Days.

CXXV. And be it also enacted by the Authority aforesaid, That in order to prevent Purchasers being discouraged through Ignorance of the Title of Lands and Tenements, the Plaintiff who has the first Execution, or some other Plaintiff who has Execution, is to take care to procure the Title Deeds and Papers of Lands and Tenements levied on out of the Register's Office, and leave them with the Marshal, ten Days before the Day of Sale, with a Brief of the Title, drawn and signed by Counsel, and one or two Counsel's Opinion on the Title, in order to inform Purchasers; and such Fees shall be paid to Counsel for such Brief, and his or their Opinion, as shall be allowed by the Chief Justice of the Court of Common Pleas, and in case of his Death, Sickness, or Absence, by the next Senior Justice of the same Court; all which Fees, as well as those of the Register, shall be first paid out of the Purchase Money, and the Marshal shall mark on the Case, the Day, Month, and Year, he received it; and until such Deeds, Brief, and Opinion, shall be so lodged as aforesaid, the Marshal, or his Deputy, shall not proceed to the Sale of any Lands or Tenements levied on by him, any Thing herein before contained to the contrary thereof, in any wise, notwithstanding.

CXXVI. And be it also enacted by the Authority aforesaid, That where the Freehold Lands or Tenements of the Defendant levied on, are more than sufficient to pay off the Execution or Executions in the Marshal's Hands against him, the Defendant may, in such Case, chuse which Part of the said Lands or Tenements he will have sold, and have the same appraised; which Appraisement, if delivered to the Provost Marshal, or his lawful Deputy, sworn-to, by the Appraiser, before the Chief Justice, or one of the puisne Judges, of the Court of Common Pleas, within ten Days after such Notice or Publication of Sale as aforesaid,—shall preclude the Marshal from selling any other than such Part of the same Lands or Tenements, if the same shall prove sufficient to satisfy the Execution or Executions levied: but if the same should not be sufficient, or the Defendant neglect to leave such Appraisement aforesaid with the Provost Marshal, or his lawful Deputy, within the Time aforesaid, then the Marshal, on the Day of such Sale, shall sell such Part thereof as shall be sufficient to pay the said Debt and Costs, or the Whole if necessary, and pay back to the Defendant the Surplus of the Money arising from such Sale, after paying off the Execution or Executions and all Costs thereon, within six Days after his Receipt of the same Money, And if the Marshal neglects to pay such Surplus Money, within the Time aforesaid, to the Defendant, or his or her Attorney; such Defendant,

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fendant, or his or her Attorney, shall have the same *Remedy to obtain the same as herein-after given to a Plaintiff in an Execution, where the Marshal neglects to pay him or her the Money in the Marshal's Hands, by virtue of any Sale by him made.* And where the Defendant has only a Lease for Years, in Lands alone, or in Lands, Slaves, Cattle, and Utensils, there shall be no selling by Parcel or Parts: but the Defendants whole Benefit, Term, Estate, Advantage, Improvement, and Interest, in the whole together shall be sold, subject to the Covenants, Rents, Payments, Agreements, and Engagements, in the Lease contained, to be done, and paid, and performed by the Lessee; and Publication and Sales to run accordingly, to the End the Lessor may not be injured.

Remedy omitted in this Act: but see No. 509, S. 1. and No. 578, S. 3.

Leasehold Estate of Defendant, to be sold altogether.

CXXVII. And be it further enacted by the Authority aforesaid, That Conveyances of Lands, Tenements, Hereditaments, and Slaves, sold in Execution, shall be made by the Provost Marshal, or his lawful Deputy, of this Island, at the Costs of the Purchasers thereof; and shall be good for such Estate, Trust, Equity of Redemption, and Interest, therein to such Purchaser or Purchasers, their Heirs, Executors, Administrators, and Assigns, as the Party from whom they were taken by Executions could have made or granted, or was entitled to, and no longer or otherwise: so always as the Conveyances passing any such Lands, Tenements, Slaves, or Hereditaments, be acknowledged before the Register of this Island or his Deputy for the time being, and duly recorded in the Register's Office as usual, and the Laws of this Island require. And the Marshal and his Deputy shall, and are hereby required and empowered to, put all Purchasers of Lands and Slaves in quiet Possession, if required. And the Marshal's, or his Deputy's, Sales or Certificates, only, not sealed, shall be good, for other Goods and Chattels, to the Purchasers, as far as the Person or Persons from whom they were taken had Title.

Conveyances by Marshal, of Lands, Tenements, and Slaves, sold in Execution, to be at Expense of Purchaser, and to be as effectual as if by Defendant; if duly recorded in Register's Office.

Marshal, if required, to give Purchaser Possession.

Marshal's Sale or Certificate, not sealed, sufficient for Goods and Chattels.

CXXVIII. And whereas Deeds with Acknowledgments to bar Entails, Reversions, and Remainders, are become the common Assurance to Purchasers, Mortgagees, and Creditors, when executed pursuant to a certain general Act of the *Leeward Caribbee Islands in America*, passed in the Reign of Her late Majesty Queen ANNE, intituled, *An Act for supplying the Want of Fines and Recoveries in these Islands, and for making any Deed or Deeds, duly executed and acknowledged, before any of Her Majesty's Justices of Her Court of Common Pleas, in the Kingdom of England or Ireland, or any of these Islands, equivalent to a Fine and Recovery, or Fines and Recoveries, duly and regularly*

Conveyance by Marshal, executed and acknowledged before Register, as effectual to bar Entails, &c. as if executed, by Defendant to Purchaser, in all Respects conformably to Act of the *Leeward Islands* of 21st June, 1705, No. 32.

If Purchaser of Lands or Slaves do not complete his Purchase in forty Days; Execution to issue against him, to levy Forfeiture of twenty *per Centum*, with Costs, &c.

If Property insufficient, to take the Body. Application of the twenty *per Centum*.

Defendant's Lands, &c. to be again set up to Sale, after ten Days' Notice.

gularly levied and suffered in any of Her Majesty's Courts of Record at Westminster, dated at Nevis, the twenty-first Day of June, one thousand seven hundred and five. Be it therefore enacted by the Authority aforesaid, That all Deeds of Sale, which shall be executed by the Marshal, or his Deputy, by virtue of this Act, if executed and acknowledged before the Register of Deeds of this Island, shall be, to all Intents and Purposes, as effectual to bar Entails, Reversions, and Remainders, of the Lands, Tenements, Hereditaments, Rent Charges, and Slaves, with the Appurtenances, Issues, and Increase, as if the Tenant in Tail, whose Estate, Right, Title, or Interest is sold, had, at the Time of the Sale, in all respects duly executed and acknowledged a Deed or Deeds thereof, as required by the last recited general Act, and had, declared or limited the Uses thereof, for valuable Considerations, to the Purchaser or Purchasers thereof under the Provost Marshal or his Deputy, or his or their Heirs or Assigns for ever.

CXXIX. And be it also enacted by the Authority aforesaid, That in case the Purchaser shall not, within *forty Days* after such Purchase by him or her, compleat the said Purchase, as hereinbefore or after directed, the Benefit of such Bidding shall be lost to the Bidder or Purchaser; and an Execution shall be formed for that Purpose, reciting, briefly, the first Execution, and Levy thereon, and the Bidding, and Failure of compleating the Purchase, and shall issue, at the Instance of the Plaintiff or Defendants, or either of their Counsel, at any time of the Year, returnable in twenty Days after the *Teste*, to levy—twenty *per Centum* on the Purchase Money and after that Rate, with Costs of the new Execution thereon, to be taxed before the Chief Justice, or, in case of Sickness, Death, or Absence from the Island, the next senior Justice, of this Court—upon the Lands, Tenements, Hereditaments, Slaves, Goods, Chattels, Rent Charges, Annuities, and Debts, of such Purchaser; or, in Default to take his Body; and in the same Course as Execution, for Debt, Costs, and Damages, against a Defendant. And the said twenty *per Centum* shall go and be applied; first, to pay the Costs on the new Execution; and then, to pay the Costs of the former Executions; and then, to the Discharge of the Debts due on such Executions, in due Course of Law: and if any Surplus, the same shall be paid to the Defendant. And the Defendant's Lands or Tenements, shall be again set up to Sale, ten Days' Notice being first given, in some of the next Weekly Gazettes that shall be printed after such Forfeiture, if such Gazette shall be then printed; and if

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no Weekly Gazette shall be printed, Publication shall be made as herein-before directed. And the Marshal is hereby directed, within ten Days after the Expiration of the fortieth Day after the Sale of any real Estate, (except where the Biddings at such Sale shall exceed five hundred Pounds, and such Security be given as is herein mentioned,) and within ten Days after the Expiration of the fourteenth Day after Sale by him made of any personal Estate, to apply to the Plaintiff's Counsel, or any other Counsel, to make out such Execution against the Person or Persons who shall neglect to pay down the Purchase Money, by him, her, or them bid, within the Time *herein-before required*; and if the Marshal shall neglect to make such Application, he shall forfeit the Sum of one hundred Pounds, current Money of the said Island, with treble Costs, on each Neglect; recoverable, and to be sued for, in like Manner, and to the same Uses, as in the Case of neglecting or refusing a Receipt for an Execution.

S. 124.

Marshal to put Execution in course against Purchaser under Penalty of 100% except as in S. 131.

See Beginning of Clause.

See S. 93.

CXXX. And be it further enacted by the Authority aforesaid, That immediately before the Secretary shall part with the new Execution, there shall be made, by the Secretary or his Deputy, an Entry, among and with other Entries in the Action on which the first Execution issued, *That on such a Day and Year, an Execution went out against A. B. [naming his Name] for twenty per Centum on the Purchase Money, with the Costs, [specifying the Particulars,] as a Purchaser of the Defendant's Lands or Tenements taken in Execution, and not compleating his Purchase*: And the Secretary shall, at the same Time, alphabet the Plaintiff's and Purchaser's Names, as if the Plaintiff had obtained a Judgment against the Purchaser; and any Person whosoever who shall, after so issuing such Execution last-mentioned, purchase any Lands, Tenements, Slaves, Hereditaments, Rent Charges, or Annuities, of such Persons so failing, against whom such last-mentioned Execution issued, shall be liable to have what he shall so purchase levied on and sold by such new Execution, as though no Sale or Conveyance thereof was made to him.

Secretary immediately to enter Execution for Forfeiture of twenty per Centum, among Proceedings in Action leading to first Execution: Second Execution to bind Purchaser's Lands, Tenements, Slaves, Hereditaments, Rent Charges, and Annuities.

CXXXI. And whereas Experience hath shewn, that by allowing a Purchaser a longer Time for Payment of the Purchase Money, than forty Days, the Time herein-before limited for compleating his Purchase, the Lands and Tenements, levied on, have always sold for a much greater Value, whereby Creditors have been benefited, by having large Sums paid towards their Debts, and unfortunate Debtors have been thereby much eased; be it, and it is hereby

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Purchaser of
Lands or Te-
nements for
more than
500/. may
have Time
for Payment
extended to
eight Months
and forty
Days; giving,
within the
first forty
Days, the Se-
curity parti-
cularized in
S. 132.

Security to be
by Recogni-
zance from
Purchaser and
two or more
Sureties, each
separately
bound in a
double Penal-
ty.

Sureties not to
exceed six.
Security to be
for the whole
Money un-
paid. &c.

enacted by the Authority aforesaid, That where any Person shall become the best Bidder for any Lands or Tenements of any Defendant, under a Judgment and Execution at Law as aforesaid, and shall not be minded to pay down the whole of such Purchase Money, within the said forty Days before limited for Payment thereof; then, and in such Case, where the best Sum bid for any Lands or Tenements, so sold in Execution, shall *exceed five hundred Pounds*, current Money of *Antigua*, and not otherwise,—such Purchaser shall be allowed eight Calendar Months more, next after such forty Days expired, for Payment of the same Purchase Money, or such Part thereof as such Purchaser shall not pay within the same forty Days; upon giving Security, within the same forty Days, to pay the same at the End of such eight Calendar Months, with Interest, in Manner as herein-after mentioned and directed.

CXXXII. And be it further enacted by the Authority aforesaid, That the Security, which shall be given for Payment of such last mentioned Purchase Money, shall be by one or more Recognizance or Recognizances, to be entered into by the Purchaser, with two or more sufficient Sureties, who shall be Freeholders, of sufficient Substance, in this Island; and the Recognizance shall be several, for the whole Money each Security becomes bound in,—and be in double the Sum for which such Person becomes bound: Provided always, That the Number of such Sureties shall not exceed six; and that no Purchaser shall be entitled to the Indulgence herein-before granted, unless such Purchaser shall give Security, within the Time herein-after mentioned, for the whole Purchase Money unpaid at the Time of such Recognizance entered into; reserving always to such Purchaser a Power of giving Security for any Part of such Purchase Money, in such Proportions as he thinks proper: so that the Whole of the Purchase Money, unpaid at the Time of such Security entered into, be well and sufficiently secured, according to the true Intent and Meaning of this Act. And the same shall be made to the Provost Marshal, or his Deputy, by his *Name and Title of Office* of Provost Marshal, or Deputy Provost Marshal, of *Antigua*, and to his Successors, in the same Office for the Time being, as Provost Marshal, or Deputy Provost Marshal; and such Recognizance in other respects to be in common and proper Form: save only that the same shall be conditioned as herein-after mentioned, and shall be sealed and delivered, by the Persons bound, in Presence of some Witness, and acknowledged before the Register of Deeds of this Island for the Time being, or his lawful Deputy, or else shall be

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be sealed and delivered before, and attested by such Register, or his Deputy, as a Witness; all to be done within the said forty Days, or else the Benefit the Purchaser is to have of eight Months' Time by giving Security shall be lost; and the Register, or his Deputy, is to set down, in Words at Length, the Day of the Month and Year, of the Acknowledgment, or Sealing and Delivery, before him, and immediately to record the same at Length in his Office; and also, after so recording, the Register or his Deputy shall, without Delay, send the Original, with his Attestations and Indorsement, and in what Book recorded, to the Provost Marshal, or his Deputy, to be filed in his Office, for the Use of the Creditors; and in case the Original shall be lost, a Copy attested by the Register, or his Deputy, shall be equal, in all respects, to the Original; and the Condition of such Recognizance shall be, in Substance, as follows, *videlicet*, It shall recite that,

WHEREAS on such a Day and Year, the Lands and Tenements of C. D. [naming the Defendant's Name,] were sold at Outcry, and were then bought by the said A. B. [naming the Purchaser's Name,] for the Sum of *current Money of* Antigua; [or Gold or Silver current Money of this Island, as the Case shall be;] which Lands and Tenements were as follows (that is to say), ALL that Piece or Parcel of Land, [mentioning the Quantities, and Buts and Bounds of the Lands, and where lying, and describing the Buildings and Improvements thereon, as near as may be,] NOW THE CONDITION of this Recognizance is such, that if the above bounden A. B. his Heirs, Executors, or Administrators, do well and truly pay, or cause to be paid unto the said Provost Marshal, or Deputy Provost Marshal, of Antigua, or his Successors in the same Office, within eight Calendar Months next ensuing the Date hereof, the Sum of *current Money of* Antigua, or Gold and Silver current Money of Antigua, [mentioning the Sum for which such Surety becomes bound,] and in such Manner as Law shall, then, require of Persons purchasing Lands and Tenements, of Defendants, sold in Execution in this Island, with Interest also, from the Day of the Date hereof, until actual Payment, such Interest to be at the Rate that shall then be settled by the Law in Antigua, and if no Rate of Interest so settled by Law, such Interest to be at the Rate of Six per Centum per Annum, with a further Forfeiture also, at the Rate of Twenty per Centum in gross, upon the last mentioned Sum, in case of Non-payment thereof the last mentioned Day; to be applied in due Course of Law, for the Use of the Creditors of the said C. D. THEN the

CONDITION
of Recogni-
zance.

above Recognizance to be void, else to remain in full force.—Or, to the like Purport and Effect.

Marshal to
take Recogni-
zance in Name
of himself and
his Successors
in Office.

Recognizance
to have same
Force and Ef-
fect as a
Judgment on
Slaves *worked*
on Land of
Parties.

Register to
swear Sure-
ties.

OATH.

Where Surety
has Lands
without Plan-
tation, this

OATH.

CXXXIII. And be it also enacted by the Authority aforesaid, That the Provost Marshal, or his lawful Deputy, for the time being, shall be, and are respectively entitled and required, to take such Recognizance or Recognizances in the Name of himself and Successors as aforesaid; and such Provost Marshal, or his Deputy, to whom the said Recognizance or Recognizances shall be given, and his Successors in the said Office, shall be entitled to put in force and execute each of such Recognizances, in Manner and Form as herein-after directed; and that each of the said Recognizances, from the Time of entering thereinto, shall have the Force and Effect of a Judgment, entered into by each of the Parties, severally, who are therein bound, and against each of them, and each of their Lands and Tenements, and such of the Slaves *worked or employed thereon only*, of which *they*, or *either of them*, at the Time of entering into such Recognizance, or at any Time after, was or were, or may be seised; and of the same Effect also, as to such Parties, and such *their* Lands, Tenements, and Slaves only, as though each of the same Parties were Purchasers of Lands and Tenements of the Defendant's by Outcry in Execution, and had made Default of Payment of the Purchase Money, and also Default of giving sufficient Security, by Recognizance, for Payment of such Purchase Money as herein directed: and immediately before the Register, or his Deputy, shall take the said Recognizance, he shall, and is hereby required and impowered to swear each of the Sureties, severally to this Oath, *viz.*

I [A. B. the Deponent naming himself or herself,] *do swear, that, at this Time, according to the best of my Knowledge and Conscience, I am seised of Lands, Tenements, and Slaves thereon worked and employed, of Inheritance in Fee-simple, in Antigua, of the full Value of the Sum of* [mentioning the Sum for which he or she is to become bound] *over and above all Incumbrances lying thereon.*

Or, if the Person entering into such Recognizance or Security, shall not be possessed of any Plantation, but only of Lands and Tenements, then the Oath shall be as follows, *viz.*

I A. B. [the Deponent naming himself or herself,] *do swear, that at this Time, to the best of my Knowledge and Conscience, I am seised of*

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of Lands and Tenements, in Fee-simple, in Antigua, of the full Value of the Sum of [mentioning double the Sum for which he or she is to become bound] over and above all Incumbrances lying thereon.

And the Register shall write on the Recognizance 'Justified on Oath,' and the Sureties shall each sign his Name under these Words, which shall be indorsed or written on the said Recognizance, and the Register shall write 'Sworn before me,' and sign it: and no Recognizance shall be allowed, as any Security, within this Act, until this be done: all which shall be entered of Record by the Register, before delivering the Recognizance to the Marshal; and the Title Deeds of such Sureties shall be perused by Counsel learned in the Law, if desired by the Plaintiff or Defendant in the Cause.

Title Deeds of Surety to be perused by Counsel, if required by Plaintiff or Defendant.

CXXXIV. And be it further enacted by the Authority aforesaid, That in case of giving such Security by Recognizance, or Recognizances, the Marshal, or his Deputy, shall convey the Defendant's Lands and Tenements so levied on and sold, to and for the Use of such Purchaser, as herein-before directed; and, in the Deed of Conveyance, shall recite the Substance of the Execution or Executions for which such Lands and Tenements were sold, and of the Recognizance or Recognizances given for the Payment of the Purchase Money, and the Condition of the same, as far as to shew the Time of Payment, and Sum to be paid pursuant to such Recognizance or Recognizances; and the same Conveyance to be with an express Clause, that the same Lands and Tenements are, and shall be and remain charged and chargeable, with the same Monies, Interest, and the Penalty of Twenty *per Centum* on Non-payment, and to be sold therefore, as Law directs, in case of Default: and the same Lands and Tenements shall be, and are hereby declared to stand charged accordingly, and be liable, in case of Default, to be sold as herein-after directed.

Security given, Marshal to convey to Purchaser, subject to Recognizance.

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CXXXV. And be it further enacted by the Authority aforesaid, That in case the Monies and Interest, conditioned to be paid by such Recognizance or Recognizances, shall not accordingly be paid; then, at any Time after the Day of Payment, upon Application of any Creditor-by-Execution to any Justice of the Court of Common Pleas, such Justice shall, by Order in Writing, direct the Provost Marshal, or Deputy Provost Marshal, to put such Recognizance or Recognizances in force; and the Marshal shall proceed to execute such Recognizance or Recognizances as shall be then forfeited; and the Manner of executing the same shall be as follows, (to wit,) The Marshal, or his Deputy, then in Office, shall set up Publications, or

If Condition of Recognizance not performed, Justice of C. P. on Application of Execution-Creditor, may order Marshal to enforce Recognizance.

Form of Procedure.

cause

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After ten
clear Days'
Notice by Ad-
vertisement,
Purchaser's
Property to
be sold.

If insufficient,
then the Sure-
ties'.

Twenty Days'
Notice.

If Property in-
sufficient,
their Bodies
liable.

Payment be-
fore Expira-
tion of Notice,
to prevent
Sale.
If Purchaser
or Sureties
die, between
Date of Re-
cognizance,
and Levy;
Scire facias
shall issue, and
be pleaded to
as *Scire facias*
on Judgment:
save that Re-
cognizance to
have force
as Execution,
from Time of
Recording.

cause Advertisements to be inserted in the Public Newspaper, at any Time in the Year, without further Writ or Warrant for so doing, to sell at the End of ten Days, exclusive of the Day of Notice, and including the Day of Sale, the proper Goods, Chattels, Slaves, Lands, Tenements, Hereditaments, Debts, Annuities, and Rent Charges, of the said Purchaser; which Publication shall recite the Substance of the Recognizance, and Condition, and Forfeiture: and the Sale may be at any Time in the Year; and if more Money, produced by the Sale thereof, than sufficient to pay the Purchase Money, and the Interest, and the Forfeiture of *Twenty per Centum*, the Overplus to belong to the first Purchaser: but in case it prove deficient to pay the same Monies, and Interest, with the said *Twenty per Centum* Forfeiture, and all Fees of the Marshal, for such new Levy, Publication and Sale, (which Fees are to be the same as on original Executions, and which shall be borne by such Purchaser and his Sureties;) then, and in such Case, the Marshal shall levy all the said Monies so deficient, upon the proper Goods, Chattels, Slaves, Lands, Tenements, Hereditaments, Debts, Annuities, and Rent Charges, of the Sureties, or either of them, and shall and may sell the same to make good such Deficiency, all for ready Gold and Silver Monies down, at Public Outcry, to the best Bidder; so as there be Publications or Advertisements of such Sale, to be made at the End of twenty Days after such Levy; and the Publications are to be fixed up immediately, or as soon as can conveniently be; and if no such Estate or Effects of the Purchaser or his Sureties sufficient, then their or any of their Bodies may be taken by force of the same Recognizance, as an Execution, and kept until all such Monies, Interest, and Forfeiture, and Costs of Levy, Publication and Sale, be all paid: Provided, if the Purchaser or his Sureties, pay the same before the Time of the Publications expired respectively, then no such Sale shall be. But if any Purchaser, or his Sureties, shall die between the entering into such Recognizance, and before Levy made in Execution thereof, then, before executing thereof against the Estate of the Deceased, a *Scire facias* shall go thereon, as on a Judgment, against the Heirs, Executors, or Administrators, and Terre-tenants, of such Person dying, to shew Cause why such Recognizance should not be executed as Law directs; to which the same Pleas as are pleadable against a Judgment may be pleaded, or any sufficient Matter, save that, as to Lands, Tenements, and Rent Charges, the Recognizance shall have force, upon the recording thereof, as an Execution upon a Judgment that Day delivered into the

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the Marshal's Hands, is by this Law to have. And when Judgment shall be upon such *Scire facias* for Execution, the Marshal shall and may procure a Copy of the *Scire facias* and Judgment, which shall be tested as herein-before directed for Executions, and under the Secretary's Hand; which shall be sufficient Warrant to sell in Execution, in all respects, the Lands, Tenements, Slaves, and Hereditaments, Rent Charges, Annuities, Goods, and Chattels, of the Defendant, or his Sureties, for ready Gold and Silver Money, in the Manner, as near as may be, as is before directed, where the Defendant, or his Sureties, is or are living: but the Plaintiff shall not be delayed by the Purchaser's Death, but shall have his Election, either to bring a *Scire facias*, against the Heirs, Executors, or Administrators, and Terre-tenant, of the Purchaser, or to proceed immediately against the Sureties, or either of them, in the same Manner as he might have done, in case the Purchaser's Estate had proved deficient. And the Marshal, or his Deputy, respectively shall not accept of any Part-payment of the Purchase Money so secured, but must have the whole paid, except where he is obliged to levy, and in such case must levy it as soon as he can: and no Creditor shall be capable of receiving the same or any Part thereof, unless the Marshal, after Payment to him, or levying it, assigns, and pays it to such Creditor; and the Marshal or his Deputy shall not be entitled to any Fee or Reward, for receiving or paying the said Monies, nor shall be paid Levy-fees for any Part thereof by a Creditor; save and except, only, he may deduct thereout his common Fees for Levies and Sales, before he pays it to the Creditor, in proportion only, and for so much as he shall pay over to such Creditor; and the Chief Justice and Secretary, shall have the same Fees for the Copy of the said *Scire facias* and Judgment, as they are respectively entitled to for an Execution.

CXXXVI. And be it also enacted by the Authority aforesaid, That the Body of any Person shall not be liable to an Arrest, or to be taken in Execution, in any civil Cause, on the *Lord's Day*; and that no Person or Persons, on the *Lord's Day*, shall serve or execute, or cause to be served or executed, any Writ, Process, Warrant, Order, Judgment or Decree; (except in Cases of Treason, Felony, or Breach of the Peace, or Escape; or except where any Person hath been delivered to Bail, in which case it shall be lawful for the Bail of such Person to surrender him upon a *Sunday*, and the Provost Marshal is hereby authorised, and required, to receive into his Custody such Person so surrendered;) but that the Service of every

Plaintiff, on Purchaser's Death, may proceed by *Scire facias* against his Representatives, or immediately against his Sureties. Marshal not to accept Part-payment of Purchase Money, without levying for the rest.

Marshal not to have Fees for Receipts or Payments; but only common Fees for Levy and Sale. Chief Justice's and Secretary's Fees for *Scire facias*.

No Person to be arrested or taken in Execution; nor Writ or Process, in Civil Causes, executed on *Sunday*.

But Bail may surrender Principal on *Sunday*.

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every such Writ, Process, Warrant, Order, Judgment, or Decree, shall be void, to all Intents and Purposes whatsoever, and the Person or Persons so serving or executing the same, shall be liable to the Suit of the Party grieved, and to answer Damages to him for doing thereof, as if the same had been done without any Writ, Process, Order, Judgment, or Decree, at all.

No Execution to be levied, or Goods or Chattels sold between 30th Sept. and 1st April, except by Consent of Defendant; and except, as in S. 129, where Execution, Levy, or Sale, hath been prevented by Injunction; or where Execution is to bind Rent-Charges or Stipends in the Hands of Payers; or attach Debts.

Writs of Possession may be executed, and Person of Defendant taken in Execution, independently of Limitations in Clause.

CXXXVII. And be it further enacted by the Authority aforesaid, That no Writ of Execution out of the said Court of Common Pleas, shall be levied between the last Day of *September*, and the first Day of *April*, in any Year; and that no Slaves or Chattels levied-on shall be sold between the last Day of *September*, and the first Day of *April*, in any Year hereafter; EXCEPT by the Consent of the Defendant or Defendants, or his, her, or their, lawful Attorney or Attornies, such Consent to be in Writing, and to be signed by such Defendant or Defendants, or his, her, or their Attorney or Attornies, and entered in the Book of the said Provost Mashal, under the Title or Entry of the Execution; AND except as hereinafter provided, in Cases where Execution, Levy, or Sale, hath been prevented by Order or Injunction of the Court of Chancery; OR, where Rent Charges or Annuities, or the settled Stipends or Allowances of Ministers, are levied-upon, so far as to bind the same in the Hands of the Payers or Church-Wardens; OR, where Debts are levied upon, or attached in Manner herein-before directed. Provided always, that Nothing herein-before contained shall extend, or be construed to extend, to limit or restrain the Execution of any Writ for giving Seisin or Possession of any Lands, Messuages, Tenements, Slaves, or other Things, recovered by Action or Ejectment, or Slaves recovered by Action or Detinue; or to limit or to restrain, the Taking of the Body or Bodies of any Defendant or Defendants, by Virtue of any Writ of Execution, where sufficient Effects or Estate cannot be found.

CXXXVIII. And whereas the Business of the last Court of Common Pleas, hereby appointed to be held, may make it absolutely necessary that such Court should be frequently adjourned; and such Adjournments may exceed the twentieth Day of *August*, being the last Day that Executions can be levied, for Sale thereon, with Effect, for the then current Year; so that if no particular Remedy be appointed for the levying Executions upon Judgments, which may be obtained at such Courts, which shall happen to be adjourned after the said twentieth Day of *August* in any Year, the Plaintiff or Plaintiffs obtaining such Judgments would be greatly delayed in the

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the Recovery of their Debts; therefore to prevent such Delay, be it, and it is hereby further enacted by the Authority aforesaid, That where any Verdict or Verdicts shall be given for any Plaintiff or Plaintiffs, in any Suit or Action commenced six Days preceding the Court held in the Month of *June* in the same Year, at any Court or Courts to be held by Adjournment after the said twentieth Day of *August* in any Year, the Defendant or Defendants shall have Time, until the next Court appointed for hearing of special Pleadings, or hearing Motions in Arrest of Judgment,—if any Court held for that Purpose,—to move in Arrest of Judgment; and such Defendant or Defendants shall give four Days' Notice of such Motion in Arrest of Judgment, before the Holding of such special Court, after the same Manner as Notice is to be given of special Pleadings; and if Judgment be not arrested, the Plaintiff or Plaintiffs shall have Leave to sign his, her, or their Judgment, and enter the same upon Record in the Secretary's Office of this Island, and thereon may take out his, her, or their Execution, in the same Manner as though such Judgment had been obtained before the twentieth Day of *August* in any Year; and such Execution shall be levied, by the Provost Marshal, or his lawful Deputy, immediately, on the Goods, Chattels, Slaves, Lands, Tenements, Hereditaments, Rent Charges, Annuities, and Debts, of the Defendant or Defendants; after which Levy so made, the Provost Marshal or his Deputy shall, within five Days after such Levy, set up Publication, or insert Advertisements in the Public Newspapers, for the Sale of what shall be so levied-on, at the usual Places herein-before appointed for setting up Publications for the Sale of Things levied-upon; and such Things, so levied-on, shall be sold by the Provost Marshal, or his lawful Deputy, upon the fifteenth Day after Notice, exclusive of the Day of Notice; and if such fifteenth Day happens to be on a *Sunday*, then on the sixteenth Day, in case the Defendant or Defendants against whom such Execution issued, shall not pay off such Execution, before or upon such fifteenth or sixteenth Day; which Sale shall be made in such Manner, and at such Places, as Sales are to be made by virtue of Execution taken out before the said twentieth Day of *August* in any Year; so that such Sale shall not be made before the last Day of *September* in any Year.

CXXXIX. And be it further enacted by the Authority aforesaid, That where any Plaintiff or Plaintiffs shall have obtained any Verdict at Law, and shall be stayed from entering up his, her, or their Judgment thereon, or where Judgment shall have been entered up, and Execution thereon stayed, or where Execution hath been taken out

Where Verdict not obtained till after 20th *August*, in Action commenced six Days before Court held in *June*; Defendant may have till next Court for special Pleadings to move in Arrest of Judgment; and Judgment, if not arrested, may be executed as if obtained before 20th *August*.

Immediate Levy.

Notice for Sale (according to S. 124.) to be given in five Days after Levy. Sale to be on 15th Day after Notice.

Sale not to precede 30th *September*.

Judgment may be entered on Verdict, notwithstanding Injunction.

Where Execution, or Levy

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vy, or Sale has
been stayed;
Marshal on
Dissolution of
Injunction, to
advertise
Sale, and sell
in 20 Days
after.

or levied, and the Marshal shall be stayed from proceeding to Sale thereon, by Virtue of any Order or Injunction of the Court of Chancery, it shall and may be lawful to and for such Plaintiff or Plaintiffs to enter up his, her, or their Judgment on such Verdict, notwithstanding such Order or Injunction; and immediately after the Dissolution of such Order or Injunction, to take out Execution upon such Judgment, and the Provost Marshal, or his Deputy, immediately after such Execution shall be delivered to him,—or, if the Execution had been delivered to the Provost Marshal, or his Deputy, and the Levy thereof stayed as aforesaid,—shall immediately levy on the Goods and Chattels, Lands, Tenements, Slaves, Hereditaments, Rent Charges, Annuities, and Debts, of the Defendant or Defendants; or, if Execution had been levied, and Publications put up, or not put up, or Advertisements inserted, or not inserted, and so stayed as aforesaid, that then, and in all such cases, the Provost Marshal, or his lawful Deputy, shall set up Publications for Sale, or cause Advertisements to be inserted, of what shall be levied-on, before or after such Order or Injunction, in such Places and Towns as directed, in the common and ordinary Course of Proceedings on Executions and Sales; and that the Sale thereof, in all and every the said Cases, shall be made on the twentieth Day from the Day of fixing-up such Publications, or inserting such Advertisements, inclusive of the Day of Publication, and the Sale: unless such twentieth Day shall happen to be *Sunday*, then on the twenty-first Day; any Thing herein-before or herein-after contained to the contrary notwithstanding.

On Judg-
ments obtain-
ed against De-
fendants not
Freeholders,
Execution
may be taken
out, and levi-
ed

CXL. And whereas Judgments are often recovered against many Defendants not being Freeholders, and who are seised and possessed of Slaves, Goods, and Chattels, which cannot be levied upon between the last Day of *September*, and the first Day of *April*, which Slaves, Goods, and Chattels may be carried off this Island, and the Creditors of such Defendants thereby defeated, as such Defendants are not obliged to give any Security for the Forth-coming of any such Slaves, Goods or Chattels, within the Time last mentioned, to answer the Judgments obtained against such Defendants; to prevent which Frauds and Inconveniencies, be it, and it is hereby further enacted by the Authority aforesaid, That, where any such Judgment or Judgments shall be obtained against such Defendant or Defendants, it shall and may be lawful for the Plaintiff or Plaintiffs to take out and levy Execution, upon Slaves, Goods and Chattels, at any time in the Year; and the Provost Marshal, or his Deputy, shall, by virtue

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virtue of such Executions, take into his Custody such Slaves, Goods and Chattels, so levied on: unless the Defendant or Defendants shall give Security, in the usual Manner, for the Forth-coming of such Slaves, Goods and Chattels, that the same may be sold for Satisfaction of the Execution, at such Time as by this Act directed for Sale of Slaves, Goods and Chattels. Provided always, that if such Defendant or Defendants, so levied-upon, shall not, within six Days after such Slaves, Goods and Chattels shall be so levied-upon, give such Security as aforesaid; that then the Provost Marshal, or his Deputy, shall, after the Expiration of twenty-three Days, fix up Publications, or cause Advertisements to be inserted, for Sale of such Slaves, Goods and Chattels; and sell them at public Out-cry, on the twenty-third Day after Publication, inclusive of the Day of Publication, and Sale.

ed on Slaves, Goods, and Chattels, at any time in the Year; and Property levied on may be sold twenty-three Days after Notice; unless Security given as in S. 110.

CXLI. And whereas a Doubt hath arisen, in case there are divers Execution-creditors, and the Defendant's Body is taken and conveyed to Prison by the Directions of one Execution-creditor, whether any prior or subsequent Execution-creditor can have a Satisfaction of his Debt, out of the real or personal Property of the Defendant; be it therefore enacted, That where any Execution-creditor shall direct the Marshal to take the Defendant, and he shall be accordingly taken: yet it shall and may be lawful for the Marshal to proceed to a Levy and Sale of the said Defendant's Property, for the Satisfaction of any prior or subsequent Execution-creditor; and that if any Execution-creditor shall direct the Marshal to take the Defendant's Body, and he shall be accordingly taken, such Execution-creditor only, shall be utterly excluded from any Satisfaction, out of the real or personal Property of the Defendant, during the Life of such Defendant. And if the Defendant hath any real or personal Property, it shall not be lawful for the Marshal to take the Body of the Defendant, if he sheweth and produceth such Property, unless the Marshal shall be directed, in Writing, so to do by the Plaintiff: but if such Property of the Defendant shall be sold, and be insufficient to satisfy any Execution or Executions against him, then the said Marshal shall and may take the Body of the Defendant, unless directed to the contrary. Provided also, and it is hereby also declared and enacted, That if any Person, taken in Execution, shall be discharged out of Custody at his own Request, the Creditor or Creditors of such Defendant shall or lawfully may, at any time afterwards, levy upon any Lands, Tenements, Slaves, or other Effects or Property, of such Defendant,

If Person of Defendant imprisoned, by Order of one Execution-creditor; Marshal may levy-on and sell Property, for Satisfaction of prior or subsequent Execution-creditor: the Creditor directing Caption of the Person being alone excluded from Satisfaction out of the Property, during Defendant's Life.

If Defendant has Realty or Personalty, Marshal not to take his Person, unless directed, or Property found insufficient.

Of Defendant set free at his own Request, the Property may be levied on without new Writ.

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Defendant, without any further Writ or Warrant, in the same Manner as if such Defendant had never been taken in Execution.

If Defendant taken die in Execution; Plaintiff, or his Representatives, may have new Execution.

CXLII. Provided always, and it is also hereby enacted by the Authority aforesaid, That the Party or Parties at whose Suit, or to whom, any Person shall stand charged in Execution, for any Debt or Damage recovered, his or their Executors, or Administrators, may, after the Death of the said Person so charged, and dying in Execution, lawfully sue-forth and have new Executions against the Goods, Chattels, Slaves, Lands, Tenements, Hereditaments, Rent Charges, Annuities, and Debts, of the Person so deceased or dying in Execution, in such Manner and Form, to all Intents and Purposes, as he, they, or any of them, might have had, by the Laws of this Island, if such Person so deceased had never been taken in Execution.

Debtor to Defendant to be examined on Oath on Interrogatories before Judge, respecting Debt which has been attached.

Four clear Days' Notice to be given.

In settling Debt, mutual Credit to be allowed, and Balance only to be paid.

CXLIII. And that it may be known whether, and how far the Person or Persons in whose Hands any Debt or Monies, hath been attached, or levied on as aforesaid, was or were Debtor or Debtors to the Defendant or Defendants, and also to prevent such Debtor or Debtors from making any Payment or Payments to such Defendant or Defendants, or his, her, or their Assignee or Assignees, after such Notice served, or Execution levied; be it, and it is hereby enacted by the Authority aforesaid, That after Judgment obtained by any Creditor or Creditors of the said Defendant or Defendants, such Debtor or Debtors, or his, her, or their Attorney or Attornies, shall attend before any one of the Judges of the said Court, to answer such Interrogatories, upon Oath, as shall be exhibited by the Plaintiff or Plaintiffs, touching the Debt due to such Defendant or Defendants, at the Time of such Notice or Attachment served, or Execution levied, or at any time afterwards; which Interrogatories shall be signed by Counsel, and served on such Debtor or Debtors, or his, her, or their Attorney or Attornies, with a Copy of a Summons signed by such Judge, appointing the Time and Place for such Debtor or Debtors attending to answer such Interrogatories, four Days before the Day appointed for such Attendance, exclusive of the Day of Service; and such Service shall be, by delivering a Copy of such Interrogatories, and a Copy of such Summons, to the Debtor or Debtors, or his, her, or their Attorney or Attornies, or leaving the same at his, her, or their respective usual Place of Abode. And, in settling the Debt, due between such Debtor or Debtors and such Defendant or Defendants, mutual Credit shall be allowed between them, and only the Balance in such Debtor's Hands to be liable to be

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be paid; and the said Judge who shall sign such Summons, and attend thereon, shall have and take for his Fee, for such Summons and Attendance, the Sum of one Pound ten Shillings and four Pence, current Gold and Silver Money, and no more; which shall be taxed in Costs.

Judge's Fee
1*l.* 10*s.* 4*d.*

CXLIV. And upon due Service, proved upon Oath before such Judge, and no Attendance of the Debtor or Debtors, or his, her, or their Attorney or Attornies, accordingly, such Debtor or Debtors, or his, her, or their Attorney or Attornies, shall be committed to close Custody in the Common Jail of this Island, without Bail or Main-prize, by Warrant under the Hand and Seal of any such Judge, directed to the Marshal, or his Deputy, there to remain, until he, she, or they conform and be examined, or confess that there is sufficient owing by him, her, or them, or his, her, or their Constituent or Principals, to pay the Plaintiff's Judgment; or, if not sufficient, shall declare, upon Oath, according to the best of his, her, or their Knowledge and Belief, what was actually and *bonâ fide* due, at the Time of the Notice or Attachment served, or Execution levied as aforesaid, or at any time afterwards. And such Notice or Levy shall be, to the Debtor or Debtors, a sufficient Bar to the Creditor' or Creditors' obtaining Judgment for their Debts, until such Attachment or Levy is either discontinued, or otherwise discharged, or satisfied.

Debtor or Attorney summoned, failing to attend, to be committed till he, in Examination, confess Debt equal to Plaintiff's Judgment; or declare Amount due, on Oath.

Attachment or Levy, while continued, to bar Judgment from direct Creditor.

CXLV. And when any Thing is confessed or awarded due in any such Debtor's Hands, the same shall be paid to the Plaintiff towards his said Demands, within eighty Days after found or confessed due to the Defendant; if there be no Writ or Writs of Execution then actually delivered to the Provost Marshal, or his Deputy: in which Case, the said Debt, confessed or awarded due, shall be paid into the Hands of the said Provost Marshal, or his Deputy, to be paid and applied towards the Satisfaction of such Writ or Writs of Execution, as herein-before directed. Provided always, That if the Debt so attached shall have arisen upon any Contract or Writing, and the Day of Payment stipulated by such Contract or Writing shall exceed the Time of eighty Days as aforesaid, then the said Debt shall be ordered to be paid in eighty Days after such stipulated Time of Payment, and not sooner. [No Provision, here, for COSTS OF ATTACHMENT, nor for ISSUE OF EXECUTION, if Debt confessed or awarded. See No. 509, S. 3. and 7.]

Debt confessed or awarded, is to be paid Plaintiff in eighty Days after; should there be no Execution against Defendant.

If Debt arise on Contract stipulating Time for Payment, Money not to be paid till eighty Days after Time.

CXLVI. Provided always, if such Debtor or Debtors, to such Defendant or Defendants, shall think himself, herself, or themselves any

Debtor may appeal from Judge's Determination.

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termination,
giving Notice
in six Days
afterwards.

Matter in
Dispute to be
tried by Ac-
tion against
Debtor at Suit
of Plaintiff or
Marshal, in
Defendant's
Name.

Debtor not to
litigate Debt
confessed.

Defendant,
must attend
Judge, with
Debtor, (if
served with
Copy of Notice
to Debtor four
Days before,)
and deliver-
up Writing if
Debt founded
on Specialty;
Account, if
simple Con-
tract.

any way aggrieved by the Determination of such Judge, and is or are willing to contest and try the Matter by a Jury at Law, and shall, within six Days after such Determination, give Notice thereof, in Writing, to the Plaintiff or Plaintiffs in the original Action or Suit, or to the said Provost Marshal, or his Deputy, as the Case shall require, or his, her, or their Counsel; it shall and be lawful for the Plaintiff or Plaintiffs in the original Action or Suit, his, her, or their Executors or Administrators, or for the Provost Marshal, or Deputy Provost Marshal, for the time being, as the Case shall require, to bring any Action or Actions, and finally to proceed thereon, in the Name or Names of such Defendant or Defendants to the original Action or Suit, his, her, or their Executors or Administrators, against such Debtor or Debtors, his, her, or their Heirs, Executors, or Administrators, for the Debt or Demand so due, or supposed to be due, to such Defendant or Defendants; and in such Case, no Execution shall be awarded against such Debtor or Debtors, by the Judge before whom such Matter shall have been enquired into, nor any further Proceedings had therein before such Judge; any Thing in this present Act contained to the contrary thereof, in any wise, notwithstanding: Provided also, that Nothing herein-before contained shall extend to authorize or enable such Debtor, to contest or litigate, before a Jury, any Debt or Sum of Money confessed to be due or owing from such Debtor.

CXLVII. And whereas such Defendant or Defendants may elude the Intention of this Act, if they are not compelled to assist the Plaintiff or Plaintiffs in the original Action, or the said Provost Marshal, or his Deputy, as the Case shall require, with proper Means to proceed at Law, in the Action or Actions to be brought against such Debtor or Debtors: be it therefore enacted by the Authority afore-said, That such DEFENDANT, or DEFENDANTS, shall attend the Judge before whom such Debtor or Debtors is or are summoned, at the same Time and Place appointed for such DEBTOR's Attendance, upon being served with a Copy of the Notice hereby directed to be served on such Debtor or Debtors, four Days before the Day appointed for such Attendance; and such Defendant or Defendants shall, at the Time of such Attendance, deliver-up, to such Judge, the Specialty, Note in Writing, Bill of Exchange, Order in Writing, or other Writing, whereby such Debtor or Debtors is or are indebted to such Defendant or Defendants; and the said Judge shall lodge the same, with all convenient Speed, in the Secretary's Office of this Island, in order that the Plaintiff or Plaintiffs in the original Action,

or

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or the said Provost Marshal, or his Deputy, may have Access thereto; and in case the Debt or Demand, due from such Debtor or Debtors, be only a Book-debt, or Running-account, or other simple Contract, then the Defendant or Defendants in the original Action shall, at the Time of his, her, or their Attendance upon such Judge, not only answer Interrogatories upon Oath touching such Debt, but also deliver to him an Account, in Writing, of the particular Items due from such Debtor or Debtors to such Defendant or Defendants, with the Christian and Surname or Names of Witness or Witnesses who can prove such Book-debt, Account, or other simple Contract, if there be any such Witness or Witnesses; which Account such Judge shall, upon Request to him made, deliver to the Plaintiff or Plaintiffs in the original Action, his, her, or their Executors or Administrators, or either of them, or to his, her, or their Counsel, or to the said Provost Marshal, or his Deputy, so as to enable him, her, or them to proceed in proper Actions, or other Suits for the Recovery of such Debts or Demands; and if in such Action or Actions to be brought, a Verdict shall be given for the Defendant or Defendants thereto, the Plaintiff, or Plaintiffs, in the original Action, his Executors or Administrators, or the said Provost Marshal, or his Deputy, shall pay such Defendant or Defendants, his, her, or their Costs to be taxed.

And shall, in last Case, further answer Interrogatories on Oath, and give in Witnesses' Names to prove Debt.

CXLVIII. And in case of wilful and corrupt Perjury of such Debtor or Debtors, he, she, or they shall and may be prosecuted by Indictment, Presentment, or Information, and be punished as in Cases of wilful Perjury at Common Law; all which Examinations and Depositions, with the Interrogatories, shall be returned, immediately after taking thereof, under the Hand of the Judge taking the same, into the Secretary's Office of this Island, to be filed and remain of Record, and be and esteemed and adjudged a Record, and full Evidence in Law, in case of Prosecution for Perjury.

Wilful and corrupt Perjury of Debtor punishable as wilful and corrupt Perjury at Common Law.

Examinations to be returned into Secretary's Office.

CXLIX. And whereas frequent Disputes arise between Debtors and Creditors concerning the Payment of Debts, as Creditors often insist upon being paid in Cash, and Debtors upon paying their Debts in Cotton, Ginger, Sugar, Rum, or any other Commodities of the Growth or Manufacture of this Island; and as it is found by Experience that it is often difficult for Men of considerable Estates to raise Money to pay their Debts, and, from the present Scarcity of Money in this Island, impossible for the Inhabitants in general to raise Money for that Purpose; to prevent, therefore, the Inconveniency arising from such Scarcity of Money, and to obviate the Disputes between Debtors and Creditors touching the paying and receiving.

Tender of
Produce of
Antigua (ex-
cept Contract
to the contra-
ry) legal.

Tender to be
at Paying-
place in some
Town.

Notice to be
given as in
Clause.

Debtor and
Creditor to
chuse, each,
Appraiser.

Party chusing
Appraiser to
give him three
Days' Notice
in Writing.

Debtor and
Creditor to
apply to Ma-
gistrate to no-
minate Um-
pire; if one
neglect, the
other may ap-
ply.

receiving Debts, be it enacted by the Authority aforesaid, That, in all Cases, after the Publication of this Act, (except where there is any Contract to the contrary,) Cotton, Ginger, Sugar, Rum, or any other Commodities of the Growth or Manufacture of this Island, shall be, and is, and are hereby declared to be a good and legal Tender: Provided always, and it is hereby further enacted by the Authority aforesaid, That such Tender shall be made at some Paying-place in the Town of *St. John*, or in the Town of *Parham*, *Willoughby Bay*, *Falmouth*, *Old Road*, or *Bermudian Valley*: Provided that there be proper Scales and Ware-houses therein, and a proper Person at such Place to take care of such Goods, as shall be brought there at the Time such Tender is made: and five Days' Notice, in Writing, shall be given by the Debtor or Debtors, or his, her, or their Attorney or Attornies, or either of them, exclusive of the Day of Service of such Notice, of such Debtor' or Debtors' Intention to make such Tender, and at what particular Paying-place the same is to be made; and such Notice shall be given twelve Days, at least, before the Day next after the Day of Service of such Notice. And for the settling all Differences that may arise between such Debtor or Debtors, and Creditor or Creditors, touching the Price or Prices of any Commodities so to be tendered, the Debtor or Debtors, his, her, or their Attorney or Attornies, shall, on such Notice aforesaid, chuse one Appraiser; and the Creditor or Creditors, his, her, or their Attorney or Attornies, served with such Notice, shall chuse another Appraiser; and the Appraisers shall be personally served, by the Person or Persons who chuse them, with Notice in Writing by some White Person, signifying the Time and Place where the Appraisement is to be made, and requiring his Attendance, at such Time and Place, to make such Appraisement; which Notice shall be served three Days before the Day of Appraisement; (the Day of Service included;) and the said Appraisement shall be made between the Hours of eight and twelve o'Clock in the Forenoon, on the fifth Day after Notice shall be given as aforesaid of the said Debtor' or Debtors' Intention of Tender, and at the Place which shall be appointed by the Debtor' or Debtors' Notice of Tender. And, to prevent any Delay that may happen in making the said Appraisement, the Debtor or Debtors, and Creditor or Creditors, shall, each of them, either by Notice in Writing or personally, apply to the Magistrate residing nearest to the Place of Appraisement, three Days before the Day of Appraisement, (the Day of Application included,) to nominate an Umpire; which Umpire being nominated in Writing by such Magistrate,

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Magistrate, such Umpire shall be served with the said Nomination in Writing, by the Debtor, or by the Creditor, as the Magistrate shall direct; and in Case the Debtor or Creditor shall neglect to apply to the Magistrate, he shall nominate an Umpire upon the Application of either of them; and in Case the Debtor or Creditors shall, either of them, neglect to appoint an Appraiser, or to give such Appraiser due Notice as aforesaid, or in case such Appraiser does not attend according to such Notice, the Appraisement shall be made by the Appraiser who *shall* attend, either on Behalf of the Debtor or the Creditor; and if both the Appraisers attend and cannot agree on their Appraisement, the Appraisement shall be settled by the Umpire. And for preventing all Partiality in Appraisements herein-before directed to be made; be it, and it is hereby further enacted by the Authority aforesaid, That the Person or Persons who shall make any Appraisement of any of the said Commodities so to be delivered as aforesaid, shall, in four Days after such Appraisement, make Oath before any Justice of the Peace, *That he, or they, hath or have valued the Commodity, so appraised by him or them, according to the best of his or their Judgment and Conscience, without Favour or Affection*; and the Person before whom such Oath shall be made or taken, shall, upon Request of the Debtor or Debtors, or any Person or Persons on his, her, or their Behalf, give a Certificate under his Hand of such Oath being made or taken before him, without any Fee or Reward for the same; and such Appraisement shall be binding and conclusive upon all Parties. And, for the compelling all Persons concerned to do the Duty required of them by this Act, with regard to the making and perfecting Appraisements to be made of the Produce of this Island, so to be tendered in Payment of Debts as aforesaid; be it, and it is hereby further enacted by the Authority aforesaid, That if any Justice of the Peace shall refuse or neglect to do any Thing required to be done by him by virtue of such Act, such Justice of the Peace shall, for each Offence, forfeit the Sum of thirty Pounds, Gold and Silver current Money of the said Island of *Antigua*, to be recovered, with full Costs, in any Court of Record in this Island, by the Party grieved, his, her, or their Executors or Administrators, to be applied to the Use of the Party so grieved, his, her, or their Executors or Administrators; and if any Appraiser or Umpire shall refuse or neglect to attend and make any Appraisement, contrary to the true Intent and Meaning of this Act, unless prevented by Sickness, or any other unavoidable Accident, he shall forfeit the Sum of twenty Pounds, Gold and Silver current Money of

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the

On one Appraiser's Default, the other may act.

If Appraisers disagree, Umpire to act.

Appraiser, in four Days after Appraisement, shall, before Justice, make OATH that he has appraised fairly.

Justice to sign Certificate of Oath, without Fee.

Justice refusing to execute Act, to forfeit 30l.; recoverable by Action.

Appraiser, or Umpire refusing or neglecting (unless through Sickness or Accident) to forfeit 20l.; recoverable as last Fine.

But Appraiser not bound to attend oftener than once in seven Days; or to travel more than three Miles.

Debtor, giving Notice of Tender, and not having Produce ready in merchantable Casks or Packages, to forfeit 3*l*. recovered by Complaint under S. 151.

Tenders not to be in less than following Quantities.

Sugar, in Cask weighing 500*lb*. nett—
Rum, in Cask gauging, sixty Gallons—
Molasses, in Cask of 100 Gallons—
Cotton, in Bag weighing 150*lb*. nett—
Ginger, to weigh 1000*lb*.

Tender not to exceed Debt more than 20*s*.

No Tender for Debt under 10*l*.

the said Island of *Antigua*, to be sued for, recovered, and applied, in the same Manner as Fines laid upon Justices of the Peace by this Act are to be sued for, recovered, and applied: Provided such Appraiser or Appraisers, or Umpire, shall not be compelled or compellable to attend as an Appraiser or Umpire oftener than once in seven Days; or to travel, from his Place of Abode, more than three Miles' Distance.

CL. And whereas the Tender of Produce of this Island, in Payment of Debts, with respect to the Time, Place, and Specie of Produce so to be tendered, is entirely at the Will of the Debtor or Debtors, and the Creditor or Creditors may be put to great Inconvenience, if the Debtor or Debtors do not make his, her, or their Payment, according to the Notice of Tender given by him, her, or them as aforesaid; to prevent therefore such Inconveniencies, be it, and and it is hereby further enacted by the Authority aforesaid, That if any Debtor or Debtors shall give Notice of Tender of any of the Produce of this Island, in Payment of his, her, or their Debt or Debts; and shall not have such Produce ready, at the Time and Place appointed by such Notice of Tender, in merchantable Casks or Packages, so that any Disappointment shall arise to the Creditor or Creditors; then, and in such Case, the Debtor shall forfeit to the Creditor the Sum of three Pounds, Gold and Silver current Money; to be recovered by Complaint, as in the Case of specific Contracts. And be it further enacted by the Authority aforesaid, That no Tender shall be made of Sugar but in a Cask, and such Cask of Sugar not to weigh less than five hundred Pounds nett; nor any Tender to be made of Rum but in a Cask, and that not gauging less than sixty Gallons; nor of Molasses but in a Cask, and that not gauging less than one hundred Gallons; nor shall any Tender be made of Cotton, if not made in Bags, and each Bag to weigh not less than one hundred and fifty Pounds nett; nor of Ginger, if made in a less Quantity than one thousand Pounds weight; nor shall any Creditor or Creditors be obliged to accept of any Tender of the Commodities aforesaid, if the Commodities, so tendered as aforesaid, exceed the Payment of the Debt to the Amount of more than twenty Shillings, current Money of this Island: but if the Balance, upon an Over-payment, amounts to no more than twenty Shillings, then such Balance to be paid by the Creditor or Creditors in the Specie of Gold and Silver current Money of this Island: nor shall any Tender of the said Commodities be made in Payment of any Debt under the Value of ten Pounds, current Money of *Antigua*. And be it further enacted

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enacted by the Authority aforesaid, That where any Action or Actions shall (after the Publication of this Act) be entered for any Contract, Debt or Debts, for the Payment whereof Sugar, Rum, Molasses, Cotton, and Ginger, are hereby made a good Tender, and such Debtor or Debtors, against whom such Action or Actions shall be brought, shall, after such Action or Actions so brought, make a Tender in the Produce of this Island for the Payment of such Debt or Debts, such Debtor or Debtors shall pay the Plaintiff or Plaintiffs in such Action or Actions his, her, or their Costs of Suit, to be taxed by the Secretary, or his Deputy, that shall be incurred previous to, and at the Time of, such Tender made; and such Costs to be paid in the Specie of Gold and Silver current Money of the said Island of *Antigua*, at the Time of Appraisement of such Tender made: otherwise the Plaintiff or Plaintiffs shall not be obliged to accept of such Tender.

If a Tender made after Action, Costs must be paid in Gold or Silver Money.

CLI. And be it further enacted by the Authority aforesaid, That all Actions for small Sums, not exceeding ten Pounds, current Money of *Antigua*, founded upon simple Contracts, Notes in Writing, Orders in Writing, or accepted Orders, or for the Balance of any Account settled under the Hand or Hands of a Defendant or Defendants, or for the Balance of any other Account which did not originally exceed thirty Pounds, current Money, (but no other Kind of Action, nor for any collateral Promise for a Debt or Duty due from another,) may be examined, heard, and determined, on a Complaint, by the Court, without any Verdict of a Jury. And every such Complaint shall be served, at least, forty-eight Hours before the first Day of Holding the Court, at which it requires the Party's Appearance, by leaving it, or a Copy of it, with the Defendant, or at his usual Place of Abode; and in Default of such Service in time, the Complaint shall be continued to the second Court for Complaints, and the Service to be good for such second Court next after such undue Service. And the Plaintiff in a Complaint, where an Account is depending, shall deliver-in an Account, in Writing, of his Demand, which shall be annexed to the Complaint served on the said Defendant; and the Plaintiff shall make out and carry two Copies of his Account to the Secretary's Office, one to remain in the Office, and the other to be annexed as aforesaid. And, that Complaints may not be multiplied, the Judgment on a Complaint shall and may be pleaded in Bar to any other Complaint, which may be afterwards brought for any other Demand the Plaintiff had against the Defendant or Defendants preceding the Entry of such first Complaint, by

Actions for Sums, not exceeding 10*l*. founded on simple Contracts, Notes or Orders, or for Balance of Account which did not originally exceed 30*l*. may be determined, on Complaint, by Court, without Jury.

Summons, with Copy of Account, to be served forty-eight Hours before Holding of Court. Service, if too late, to stand for next Court.

Another Copy of Account to be left at Secretary's Office.

Judgment on former, to bar subsequent Complaint for Demand existing previously to former

mer Com-
plaint; except
Demand arises
from Note in
Writing ex-
ceeding 10/
or from Bill of
Exchange,
Judgment, or
Specialty.

Defendant not
setting-off De-
mand against
Plaintiff, (giv-
ing twelve
Hours' No-
tice,) shall
not afterwards
bring Com-
plaint for it.

Executors, &c.
Defendants to
Complaints,
may plead
"fully admi-
nistered," *ore
tenu*.

Executions on
Complaints to
be on Goods,
Chattels, and
Slaves of De-
fendant; in
Default, to
take the Body.

If Executor,
&c. Defen-
dant; Execu-
tion to be of
Testator's, &c.
Effects.

Day for Com-
plaints.

Court may be
adjourned,
not exceeding
seven Days.

If Complaint
entered
against Exe-
cutor, &c. and
Executor, &c.
makes Oath
that he had,
before Sum-
mons to ap-
pear, fully ad-
ministered,
and that As-
sets exceeded
30/.—no fur-
ther Proceed-
ings

any Contract: except Demands arising by Notes in Writing exceed-
ing ten Pounds, Bills of Exchange, Judgment, or Specialty. And
in case the Defendant in such Complaint shall have any Demand
against the Plaintiff, previous to the bringing of the said Complaint,
and shall not set-off the same in Discount of the Plaintiff's Demand,
giving twelve Hours' Notice to the Plaintiff thereof before the next
Court for hearing or determining the said Complaint, the Judgment
in such Complaint shall and may be pleaded by the Plaintiff in Bar of
any Demand of an equal Nature, which the Defendant had against
him, upon any Complaint to be thereafter brought by the Defendant
for the same. And, on hearing and determining Complaints, mutual
Credit shall be given, and Judgment only for the Balance, where
each Party hath an Account against the other. And where Execu-
tors or Administrators are Defendants to such Complaints, they
may plead, "fully administered," generally, *ore tenu*, and a short
Entry thereof to be made by the Secretary, in the Complaint Book
under the Complaint; and the Plaintiff shall have time, to the next
Court of Complaints, to join Issue thereon, and the Court then shall
determine the same. And the Executions upon Complaints shall be,
to take and sell for ready Gold and Silver Money, by Outcry in the
Town of *Saint John* in this Island, in ten Days, the Defendant's
Goods, Chattels, and Slaves; and, in Default thereof, to take the
Defendant's Body: but in case of Executors or Administrators De-
fendants, the Execution shall be of the Testator's, or Intestate's
Goods, Chattels, and Slaves. And such Complaints shall be heard
on the SECOND TUESDAY in each of the five Months hereby before ap-
pointed for holding Courts, or such other Day, not being a Court Day,
as the same Court for Complaints, on necessary Occasions, shall be
adjourned to: so as no such Adjournment shall exceed seven Days,
from the first Day hereby appointed for each respective Court of
Complaints.

CLII. Provided always, and it is hereby enacted and ordained by
the Authority aforesaid, That if any Complaint shall be entered
against any Person, as the Executor or Administrator of another, and
such Executor or Administrator shall make Oath, that he verily
believes, in his Conscience, he hath fully administered all the Goods
and Chattels which were of the said Testator, or Intestate, that
have come to his Hands to be administered, before the Service of
the Summons to appear and answer the said Complaint, and that
such Goods and Chattels did amount to more than the Value of
thirty Pounds: then such Complaint shall not be further proceeded
upon,

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upon, and the Plaintiff shall pay to the Defendant the Costs of a Nonsuit: but such Plaintiff shall nevertheless be at liberty to commence any Suit in the said Court of Common Pleas, in order to try the Truth of such Plea or Allegation by a Jury, if he shall think proper so to do.

ings to be had; and Plaintiff to pay Costs of Nonsuit, but may sue in Common Pleas.

CLIII. And be it further enacted by the Authority aforesaid, That in case the Plaintiff or Defendant in such Complaint, or his or their Witness or Witnesses, shall be prevented by Sickness, or otherwise disabled, from attending the Court appointed for determining the same; then the Deposition of such Plaintiff or Defendant, or his or their Witness or Witnesses, taken before any of the Justices of the Court of Common Pleas, shall be held, taken, and esteemed, good Evidence in such Complaint, as if the Plaintiff or Defendant, or his or their Witness or Witnesses, had given their Evidence *viva voce* in Court: either Party first giving to the other eight Hours' Notice of such Sickness, or other Disability, and of the Time and Place of taking such Deposition, by delivering such Notice to the Plaintiff or Defendant, or his or their lawful Attorney, or leaving the same at his or their last or most usual Place of Abode; proving the Service thereof, and, that the Evidence of such Plaintiff or Defendant, or his or their Witness or Witnesses, is material to the determining such Complaint.

If Plaintiff or Defendant, or Witnesses of either cannot attend Court, their Depositions may be taken before Judge; on eight Hours' Notice to other Party.

CLIV. And be it also enacted and ordained by the Authority aforesaid, That if any Party to any Action, Suit, or Plaint, that has been heard and determined in the said Court of Complaints, shall think himself or herself aggrieved by such Determination or Judgment, it shall and may be lawful for such Party, upon giving Notice to the adverse Party in Writing, within forty-eight Hours after such Determination or Judgment, that he or she intends to appeal from such Determination or Judgment, and to refer the same to a Trial by Jury, at a Court of Common Pleas, to refuse Payment or Compliance with the said Determination or Judgment; and in such case, no Writ of Execution or other compulsory Process shall be issued against such Party; or, if previously issued, the same shall be stayed and suspended: Provided nevertheless, That the Party so aggrieved, and giving Notice as aforesaid, shall lodge the Amount of the Sum awarded, (if any,) or for which Judgment may have been given, in the Hands of the Secretary, or his Deputy, as Clerk of the Court, at the Time of giving the aforesaid Notice; and shall also, at the same Time, enter into sufficient Security to the said Secretary, or his Deputy, that he or she will prosecute the same, without any Delay

Judgment on Complaint may be appealed from, by either Party—giving Notice in forty-eight Hours; and lodging Money, adjudged due, with Secretary; and giving Security to prosecute Appeal, without Delay, and pay treble Costs, if Judgment affirmed—unless Court certify probable Cause for Appeal; in which Case, only, single Costs to be paid.

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In Default of Notice, Lodgment of Money, and Security; Execution to issue; and Party barred from Appeal.

Secretary, on Request of Party appealing, to certify Proceedings in three Days. Parties may plead *ore tenus*, and deliver Evidence, in C. P. same as in Court of Complaints.

FORM of Secretary's Certificate.

on his or her Part, at the next thereafter ensuing Court of Common Pleas, and will, in case of Judgment being there affirmed against him or her, pay treble Costs to the adverse Party, without the Court shall certify that there was probable Cause for such Reference or Appeal, in which case single Costs alone shall be recovered: and in Default of such Notice, Lodgment of Money, (if any to be paid,) and Security, the said Execution shall issue on the said Judgment, and the same shall not be stayed, suspended, or in any Manner impeded; and the said Party shall be barred from any Appeal or Reference whatsoever. And to the Intent that all the Proceedings, had and entered into at the said Court of Complaints, in any Cause intended to be referred to the Court of Common Pleas, before a Jury, for a Re-hearing, as above-mentioned, may be brought there with as little Expense as possible, be it further enacted, That when the Party, intending so to appeal or refer, shall have given due Notice, and have lodged the Sum of Money, (if any,) for which Judgment may have been given against him, and shall have entered into the Security as above required, the said Secretary, or his Deputy, shall, on his Request, within three Days afterwards, certify the same; and shall send the original Summons, or the Form of the Complaint, the Entry of the Judgment, and all Things touching the same, under his Seal, in the Form of a Record, into the said Court of Common Pleas; and all the Parties thereto may plead in open Court *ore tenus*, and may appear, and be heard as Witnesses, in the same Manner as they are permitted to appear and deliver Evidence in the said Court of Complaints. And the Form of the Certificate to be indorsed on, or annexed to the said Record or Proceedings, to be sent into the said Court of Common Pleas, by the said Secretary or his Deputy, shall be as follows:

I hereby humbly certify, that [A. B.] having been impleaded in the Court of Complaints, at the Suit of [C. D.] and Judgment having been thereon given, on the Day of against the said [A. B. or C. D.] and the said [A. B. or C. D.] having given due Notice of [his or her] Intention of referring the same to a Hearing before a Jury, in the Court of Common Pleas, and having also complied with the other Directions of the Act touching the same, in all respects, I do therefore, at the Request of the said [A. B. or C. D.] transfer the same, agreeable to the Act in such Case made and provided: Sealed with my Seal, and dated this Day of

[E. F.] (L. S.) SECRETARY.

And

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And for which Certificate, and Trouble of making up the said Proceedings, the said Secretary, or his Deputy, shall receive such Fees, as by the Order of the said Court of Common Pleas may be established as a Docket for the same.

Secretary's
Fees.

CLV. And as touching a Court of Error, for civil Matters, for determining between Subject and Subject, be it, and it is hereby further enacted by the Authority aforesaid, That Writs of Error shall lie from Judgments of the Court of Common Pleas hereby established, and from Judgments heretofore obtained in any Court of Common Pleas, or Exchequer, of this Island, for *such Sum*, and before the Commander in Chief of the *Leeward Islands*, and *such Number of His Majesty's Council*, as His Majesty's Royal Instructions do or shall direct: but if there be no Instructions from His Majesty, His Heirs and Successors, directing and limiting a Sum, or the Number of Counsellors to constitute such Court, a Writ of Error shall lie for any Sum: and, in such Case, the Commander in Chief of these Islands, and five Counsellors shall be necessary to constitute a Court of Error: Provided nevertheless, in order to prevent Delays, that if the Commander in Chief of the *Leeward Islands* shall not be in *Antigua*, all Errors may be heard and determined, in his Absence, by the Person bearing Chief Command in *Antigua* in such Absence, and such Number of His Majesty's Council as aforesaid. And provided also, if such Commander in Chief of the *Leeward Islands*, or other Person in Chief Command in his Absence, shall be a Party, the Matters may be determined by five of the Council, or the Majority of them: and where any of the Council shall be Parties, any three of the Council shall be a sufficient Number of Counsellors to make a Court: And the said Court of Errors hereby established shall be, and is hereby declared, to all Intents and Purposes, a Court of RECORD: And also that no particular Commission shall be necessary for holding the said Court, or appointing Justices thereof: but the Justices thereof shall be, and are hereby authorized and enabled, to act in all Things aforesaid, by virtue of this Act, without further Writ, Commission, or Authority.

Court of Error, for civil Matters, established; in which Writs of Error may be brought from Judgments in C. P. or Exchequer.

In want of Royal Instructions, Writ of Error to lie for unlimited Sum; Commander in Chief of *L. Islands*, or, in his Absence, Commander in Chief in *Antigua*, and five Counsellors, to constitute Court.

If other Judges interested; three Counsellors, a Court.

To be Court of Record.

Act sufficient Authority to Judges, without Commission.

CLVI. And whereas it may happen that some of the Members of the Council aforesaid may be Judges of the Court of Common Pleas, or Barons of the Court of Exchequer, and therefore cannot, or ought not, from any Principles of Propriety or Justice, to sit as Members of the said Court of Error, when any Writs of Error are to be heard or determined there, brought from Judgments of the said Court of Common Pleas or Exchequer; be it therefore also enacted, That no such

Member of Council, if Judge of C. P. or Baron of Exchequer, cannot sit, in Court of Error, on Writ to reverse Judgment given in his own Court: but may attend and assign Reasons for Judgment. Judges in Error to take

such Member of the Council, if he shall be a Judge of the Court of Common Pleas, shall sit in the said Court of Error, on any Writs of Error brought upon any Judgment given in the said Court of Common Pleas; or if he be a Baron of the Exchequer, shall sit in the said Court of Error, on any Writ of Error brought upon any Judgment given in the said Court of Exchequer: Provided nevertheless, That such Member, being a Judge or Baron as aforesaid, may, if he thinks fit, give his Attendance at any Court of Error, and assign his Reasons for the Judgment so given in the Court respectively to which he shall belong, and from whence Error may be brought.

CLVII. And be it further enacted by the Authority aforesaid, That, before the Judges in Error shall proceed to hear or determine any Errors, or any Thing relating to Errors, the presiding Person, and each Member of the Court, shall, in open Court, take the following Oath, *videlicet*.

OATH.

I [A. B. naming himself] do swear, that in all Errors to be brought before me, I will not deny, nor delay Justice to either Party: but, to the best of my Skill and Knowledge, thereupon, impartially, give my Opinion and Judgment.

To be administered, by Secretary, in every Cause.

Which Oath shall be administered by the Secretary, first to the Person presiding, and then to all the other Members of the Court, and so at every Sitting, unless before sworn in that Cause.

Writs of Error to be returned before Court, or Commander in Chief of L. I. and Council.

CLVIII. And for regulating the Proceedings in such Courts of Error, be it, and it is hereby enacted by the Authority aforesaid, That all Writs of Error, hereafter to be sued in this Island, shall be returnable before the Court of Error for this Island of *Antigua*, or before the Commander in Chief of the *Leeward* Islands, and Council of *Antigua*; and there shall be but thirty-five Days, and not less than twenty-five Days, between the *Teste* and Return of such Writs of Error, inclusive of the Days of the *Teste* and Return.

Between *Teste* and Return to be 33 Days *max.* 23 Days, *min.*

No second Writ of Error to be *Supersedeas* to Execution, except first was abated or lost without Default of Plaintiff.

CLIX. And be it also enacted by the Authority aforesaid, That no second Writ of Error shall be any *Supersedeas* to any Execution, except where the first Writ was discontinued, abated, or lost, without Default of the Plaintiff in Error, or his Counsel; in which Case, a *Supersedeas* may be awarded by the Court of Errors aforesaid signed by the Person presiding, and under the Foot of the Great-seal, or his private Seal; and a Copy served on the Defendant in Error,

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Error, and the Original left with the Marshal: but if no such *Superseas*, Execution may be levied.

CLX. And, to prevent frivolous Writs of Error, be it, and it is hereby enacted by the Authority aforesaid, That no Writ of Error shall issue in any Case, nor be allowed as a *Supersedeas* to Execution, if issued, whether the Judgment be by Default, Confession, or on Verdict, or Demurrer, (EXCEPT as herein-after excepted,) without Security first given, by two sufficient Sureties, Inhabitants of this Island, in double the Value of the Thing in question, by Bond to the Defendant in Error, entered into and executed in the Secretary's Office of this Island, to pay the Debt, and all such Costs and Damages as shall be awarded by the Court of Error, in case the Judgment be affirmed, or the Writ of Error discontinued, or quashed, or the Plaintiff in Error nonsuited.

CLXI. And if the Defendant in Error suspect the Sufficiency of the Security given, at any Time before the Return of the Writ of Error, and enter his Exception in the Margin or Bottom of the Security-bond given in the Secretary's Office, and give Notice thereof to the Plaintiff in Error, or his Counsel or Attorney; then, in case the said Bail do not justify themselves, on Oath, before the Secretary, within eight Days after such Notice, or new sufficient Bail be put in within such eight Days,—then, upon Affidavit before a Judge of the Court where Judgment was given, filed in the Secretary's Office, of such Service, the Defendant in Error may take out Execution; and, on Motion to the Court of Error, such Writ of Error shall be quashed, with Costs and Damages.

CLXII. And be it further enacted by the Authority aforesaid, That no Executors, Administrators, or Guardians, shall be obliged to give Security on a Writ of Error, except in such Cases where by the Law of *England*, or Statutes of *Great Britain*, Executors, Administrators, or Guardians, are obliged to give Security: nor shall any Person be bound to give Security on a Writ of Error brought on any Penal Law, or any Action popular: Yet nevertheless, the said Court of Error may give Costs only, on the Affirmation of any Judgment either on any Penal Law, or Action popular; so as it be not against an Executor or Administrator.

CLXIII. And be it also enacted by the Authority aforesaid, That all Writs of Error to be brought, shall be immediately lodged in the Secretary's Office of this Island, after being sealed, and shall

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be

Form of signing *Superseas*.

No Writ of Error to issue (except as in S. 162,) unless Security given, by two Sureties in double Value, to pay Debt and Costs.

Defendant may except to Security before Return of Writ of Error; if Bail neither justify on Oath, nor new sufficient Bail be put in, Defendant may take out Execution: Writ of Error, on Motion, being quashed with Costs.

Executors, &c. not obliged to give Security on Writ of Error, farther than by Law of *England*: nor other Persons, in Penal Action. Costs only, in Penal Action, on Affirmation of Judgment, and then not against Executor.

Writ of Error, lodged in fourteen Days, (where Security

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rity given thereon,) to supersede Execution, though begun to be levied.

Secretary to make Transcript of Record at Charge of Party suing out Writ of Error. Plaintiff to assign Error in eight Days after Return of Writ, or in Time as enlarged by Court; else Execution to issue. See S. 167.

Plaintiff in Error, to give Notice of assigned Errors to Defendant. Defendant to join in Error, or plead, &c. in fifteen Days after Notice, if Writ returned, &c. else, in fifteen Days after Return. Secretary to mark on Writ of Error Day of receiving it; and immediately to make Transcript of Record.

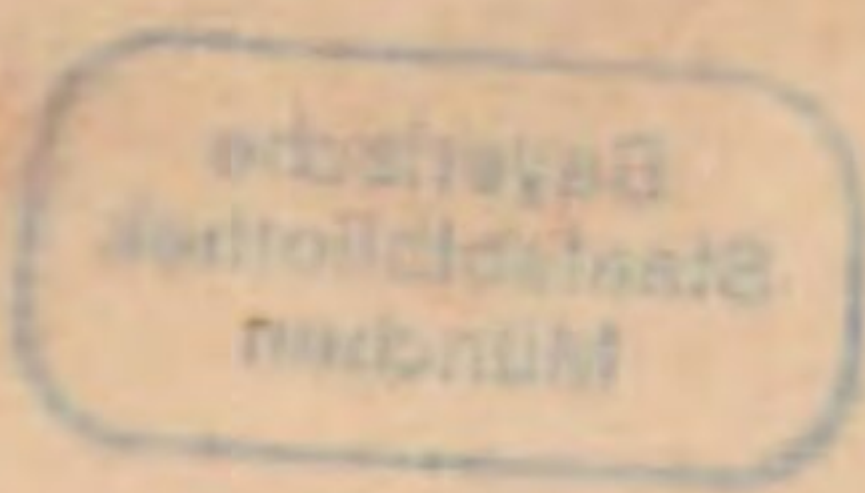
If Writ of Error quashed through Neglect of Secretary, Court may award Costs

be deemed no *Supersedeas* to any Execution until the same are so lodged there; and any Writ of Error under Seal, lodged within fourteen Days after Judgment in the Secretary's Office of this Island, shall be a *Supersedeas* to Execution, if Security be duly given thereon, where Security required by this Act, although such Execution be begun to be executed.

CLXIV. And be it further enacted by the Authority aforesaid, That, immediately upon lodging such Writ of Error in the Secretary's Office, the Secretary for the time being, without further Directions, shall make out a Transcript of the Record, at the Charge of the Party or Parties suing-out such Writ of Error; and the Plaintiff or Plaintiffs in Error shall assign Error, under the Hand of his Counsel, in the Secretary's Office, before the Expiration of eight Days after the Return of such Writ of Error, whether a Transcript be made of the Record or not, unless further Time be given by the Court of Error; and if no such Errors assigned within that Day, or further Time given by the Court of Error for assigning Errors, Execution may be taken out for the Default; because the Records being all lodged in the Secretary's Office, they may be there always seen, and Error thereon as well assignable, as though they were all transcribed.

CLXV. And be it also enacted by the Authority aforesaid, That, after Errors assigned, the Plaintiff in Error, or his Counsel, shall give Notice thereof in Writing to the Defendant in Error, or his Counsel,—who shall join in Error, or plead to the same, or to the Writ, or demur, or allege Diminution, fifteen Days next after such Notice, if the Writ or Error be then returnable, and the Record transcribed and certified; and if not then returnable, and Notice given of such Assignment of Errors, then to join in Error, plead, demur, or allege Diminution, within fifteen Days after the Return of the Writ of Error.

CLXVI. And to prevent Delays happening on Writs of Error, for want of speedily transcribing the Record, the Secretary for the time being of this Island is immediately to make out the Transcript of the Record, upon the Writ of Error being left in the Office, and is hereby required, immediately on the Receipt of the Writ of Error, to mark down upon the Writ of Error the very Day of the Month and Year the same was received into the Office; and if it shall appear to the Court of Errors that any Writ of Error is quashed, or the Benefit of the same lost to the Party or Parties suing the same, through the Neglect of the Secretary, for the time being,



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being, of this Island, or his Deputy, the Court may award such Costs, against the Secretary or his Deputy for the same, as shall be adjudged reasonable, to be paid to the Party injured; to be levied on him,—with the usual Fees for levying Executions as shall be allowed by Law,—by Attachment, signed only by the Person who shall be presiding in the said Court of Errors, and under his private Seal, directed to the Marshal, or his Deputy, for the time being; and the Effects, levied-on, to be sold as usual, and as the Law shall then direct in Cases of Execution levied in the Court of Common Pleas: else such Secretary, or his Deputy, to stand committed in close Custody, until such Costs are paid as the Court shall think fit: Provided nevertheless, the Secretary, or his Deputy, shall not be liable to Costs, unless the Writ was lodged in his Office fourteen Days before the Return thereof.

Costs against him, to be recovered by Attachment; or he may be committed till Payment; provided Writ was lodged fourteen Days before Return.

CLXVII. And when the Record is transcribed, the same shall, on Request, be immediately certified by the Chief Justice, or Chief Baron of the Court, or, if he be sick or absent, by the next Senior Justice or Baron, under his Hand, before or on the Day of the Return of the Writ of Error, and not after on that Writ: and in case the Record be not so transcribed by the Return of the Writ of Error, that Writ shall be quashed, with Costs, and not be any *Supersedeas*, in such Case, longer than the Return Day thereof. And the Secretary of this Island shall get such Record so certified, and the Assignment of Errors, and all the subsequent Pleadings and Proceedings on the Writ of Error, and have the same ready, at such Court of Error as shall be appointed for hearing and determining of Errors. And there shall be no Discontinuance, Loss, or Abatement of any Writ of Error by reason of the Court of Errors not being held at any particular Day, that shall or may be appointed to hear and determine Errors; but the same may be heard and determined at any Day after the Day first appointed.

Record, when transcribed, to be certified by Chief Justice or Baron, before or on Return of Writ; not after.

If Record not transcribed by Return, Writ to be quashed. Secretary to prepare Certificate, &c.

No Writ of Error to abate by not holding Court on Day appointed.

CLXVIII. And in case Diminution be alleged, then the Secretary shall immediately, without further *Certiorari*, Writ, or Order, inspect the Record, and if there be Diminution, shall, without further Writ, *Certiorari*, or Order, make out the Part of the Record then omitted; and the Chief Justice, or, in his Sickness or Absence, the next Judge of the Court of Common-Pleas attending, shall certify the same immediately, upon Application made to him, and producing the same under the Secretary's Hand. And in case the Secretary shall find the Record was, at first, fully certified, he shall, within fourteen Days after such Diminution alleged, certify, under his

On Allegation of Diminution, Secretary to inspect Record: if Omission made out by Secretary, Presiding Judge to certify it. If no Diminution, Secretary to certify it: In latter Case Defendant in Error

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Error to plead
in fifteen Days
and pay Costs
for Delay.

Writ of Error
may be amend-
ed, to agree
with Record.

Where Ver-
dict given,
Judgment not
to be stayed,
or reversed,
for Defect, or
Variance in
Bill or Writ.
Clause not to
extend to In-
dictment or
Information.

When Issue
joined, either
Party may
serve Notice
(instead of
Scire facias,)
for arguing
Errors eight
Days before
Time.
If Plaintiff
neglect, Non-
suit: if De-
fendant ne-
glect, Court,
examining
Errors *ex*
parte, may
give Judg-
ment.

On Assign-
ment of Er-
ror in Fact,
Court to di-
rect Writ; to
be proceeded
on as Enquiry
of Damages,
s. 60.

Hand, on the Record, that the Record was before fully transcribed and certified, not in any Thing diminished; and thereupon the Defendant in Error shall, in fifteen Days next after that, plead to the Errors assigned, or to the Writ, or demur, or join in Error, as he shall be advised; and shall pay seven Pounds, current Money of *Antigua*, Costs for the Delay.

CLXIX. And be it further enacted by the Authority aforesaid, That all Writs of Error wherein there shall be any Variance from the original Record, or other Defect, may and shall be amended, and made agreeable to such Record, by Rule or Order of such Court of Error. And where Verdict has been, or shall be given, in any Action or Suit in the Court of Common Pleas hereby established, the Judgment thereupon shall not be stayed, or reversed, for any Defect or Defects, either in Form or Substance, in any Bill, Writ, original or judicial, or for any Variance in such Writ: Provided nevertheless, that Nothing in this Clause contained shall extend, or be construed to extend, to any Appeal of Felony, or Murder, or to any Process upon any Indictment, Presentment, or Information, for any Offence or Misdemeanor whatsoever.

CLXX. And be it also enacted by the Authority aforesaid, That where Matters are at *Issue*, or ripe for Argument, in Errors, either Party may serve the other with a Notice, (instead of a *Scire facias*,) to hear Errors, at least eight Days before Errors are to be argued; and then, or as soon after as Counsel can be heard by the Court of Errors, the Cause shall be argued; and upon Neglect or Delay of the Plaintiff in Error, the Court may order him to be nonsuited; and if the Defendant in Error make Default, the Court may examine the Errors *ex parte*, and give Judgment, as they shall think proper, to revise or affirm the Judgment.

CLXXI. And be it also enacted, by the Authority aforesaid, That where any ERROR IN FACT is assigned, and the Issue thereon joined, the Court of Errors, hereby established, shall order a Writ to the Marshal, at the Expense of the Plaintiff in Error, to try such Issue; to be proceeded on, in all respects, as in case a Writ was awarded for enquiring of Damages, as herein-before directed; and Judgment thereon to be given by the said Court of Errors, as shall be proper.

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CLXXII. And be it further enacted by the Authority aforesaid, That Subpœnas shall issue, and be served on Witnesses to attend and give Evidence before the Marshal, on Enquiry of *Damages*, or Trials of Issues on *Errors in Fact*; which shall be made out by the Secretary, and signed and sealed by the Secretary, or his Deputy, only; and any Witness not attending,—after due Service made, without any Tender of Money, at any Time before Sunset of the preceding Day, by personal Service, or by leaving the same at the usual Place of Abode of such Witness, shall be liable to the Costs of the Party injured; and, Proof on Oath, first made, that the Evidence of such Witness, refusing or neglecting to attend on being served with a Subpœna, was material in the Cause,—be finable, in any Sum not exceeding Fifty Pounds, nor under Ten Pounds, current Money of *Antigua*, to the Use of His Majesty, his Heirs, and Successors, to be paid into the Public Treasury of this Island, for the Support of the Fortifications of this Island; and to be taken on Attachment, to be issued in Court or out of Court, under the Foot of the Great Seal, or the Hand and private Seal of such Person so presiding in the said Court of Errors, directed to the Marshal, or his Deputy, and be committed until both Costs and Fine be paid, or otherwise discharged upon hearing by the Court of Error. And the Court may, if thought necessary, award a new Enquiry or Trial of such Issue, if the Default of such Witness was a material Prejudice to the Party who summoned such Witness, on Payment of reasonable Costs to the other Party.

On Enquiry of *Damages*, or Issue on *Error in Fact*; Subpœnas for Witnesses to attend Marshal, to go from Secretary.

Witness not appearing, to be fined 50*l.* max. 10*l.* min. and be committed, on Attachment from President of Court, till Payment, with Costs.

Fine towards Fortifications.

Court may Order new Trial, if Witness material; reasonable Costs to other Party.

Court may award Costs; and Damages, where Judgment affirmed; except—See End of S. 162.

For ascertaining Damages, Writ to Marshal to summon Jury returnable in fourteen Days. Defendant to give Plaintiff in Error three clear Days' Notice of Writ.

CLXXIII. And the said Court of Error is hereby impowered to award any gross Sum or Sums for Costs, or order the Secretary to tax Costs, at the Discretion of the said Court; and also to give Damages, to be enquired of by a Jury, in all Cases where a Judgment shall be affirmed on a Writ of Error, or any Writ of Error shall be quashed, or discontinued, or the Plaintiff nonsuited, EXCEPT in Cases hereafter [*herein-before*] excepted. And, for better Information what Damages are proper to be given, the said Court shall award a Writ of Enquiry to the Marshal, or his Deputy, to summon a Jury to enquire thereof, returnable in fourteen Days; and of such Writ of Enquiry awarded, the Defendant in Error, or his Counsel or Attorney, shall give three Days' Notice, exclusive of the Day of Service and Day of executing the Writ, to the Plaintiff in Error, or his Counsel or Attorney, in Writing, of the Time and Place of executing such Writ: and each Party may examine Witnesses *vivâ voce*, before

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Judgment for
Damages
found by Jury.
Wastes and
Profits since
first Judg-
ment, to be
considered.

before the Jury ; and what Damage the Jury find, Judgment shall be given for the same by the Court of Error ; and in case of Ejectment, or Dower, all Wastes committed after the first Judgment, and the mesne Profits, shall be considered and allowed for in such Enquiry of Damage, from the Time of such first Judgment.

Judgment of
Court of Er-
ror (as to Ex-
ecution for
principal Mat-
ter and Costs ;
or Writ of Re-
stitution in
case of Rever-
sal) to be ex-
ecuted by
Court below.
Transcript
remanded.
Secretary to
minute, under
first Judg-
ment, Affir-
mation or Re-
versal, &c.

CLXXIV. And be it further enacted by the Authority aforesaid, That Executions shall issue, from the *Court below*, for all such Costs and Damages, as well as for the principal Thing or Matter to be levied ; and upon *Reversal of a Judgment*, Writs of Restitution, and all other necessary Process thereon, shall issue from the *Court below* ; and, when the Judgment is either affirmed, or reversed, the Transcript, with the Judgment given thereon in the Court of Errors, shall be remanded down again to the Court from whence it came, and an Entry or Memorandum shall be made by the Secretary,—in the Margin of, or under the Record of the first Judgment,—of the Day of the *Reversal*, or *Affirmation* thereof ; and he shall also enter the same, briefly, by a Minute of the Parties Names' and Kind of Action, in the Book of Records of the Court of Errors.

Court of Error
may establish
further Rules
or Orders for
Practice, not
repugnant to
Act:—to be
entered by
Secretary at
reverse End
of *Book of
Rules* for C. P.

CLXXV. And be it further enacted by the Authority aforesaid, That the Court hereby established, for hearing and determining Errors, shall be, and is hereby empowered, to settle any further or other Rules, or Orders of Practice for Writs of Error ; so as the same shall not be repugnant to this Act ; and to be as agreeable as may be to the Laws and Practice of *Great Britain* ; which Rules shall be entered by the Secretary, at the reverse End of the Book where the Rules of the Court of Common Pleas are to be entered.

Fees for Busi-
ness under
Act, not fixed
by Act or by
Docket ; to be
settled by
Commander
in Chief, and
Council.

CLXXVI. And, forasmuch as no Fees are settled expressly for the Chief Justice, or next Senior Judge in his Absence, or the Secretary, or the Marshal, for the Business to be done in their Offices in some particular Cases pursuant to this Act, be it therefore enacted by the Authority aforesaid, That such Fees as shall be settled and allowed by the Commander in Chief of the *Leeward Islands*, and Council of this Island, for the Chief Justice, or next Senior Judge in his Absence, or Secretary, or Marshal respectively, for doing any Business hereby directed, and belonging to their respective Offices, and for which no Fees already are settled by this Act, or otherwise by Docket, shall be allowed and paid them respectively, and no more ; and no other Appointment, unless by Act of this Island, shall be

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be a sufficient Authority to demand any Fee or Fees for such Business.

CLXXVII. And be it also enacted by the Authority aforesaid, That ten Shillings and six Pence, and no more, shall be paid to the Person presiding in the said Court of Error for each Writ or Warrant, which shall be by him signed and sealed pursuant to any Clause before or hereafter contained; except the Writ of Errors itself, for which the usual Fee shall be allowed and taken.

Fee to Judge
for sealing
Writ of Error
10s. 6d.

Usual Fee to
Writ.

CLXXVIII. And be it further enacted by the Authority aforesaid, That APPEALS from Decrees in Chancery, or Judgments on Writs of Error, given in this Island, shall, in all Things, be regulated according to the King's Royal Instructions, from time to time, to his Commander in Chief of the *Leeward* Islands for the time being; save and except that His Majesty, His Heirs, or Successors shall, by special Order, allow Writs of Error, or Appeals, in any Cases. And where any Doubt shall arise on the Value of any Thing appealed for, in Cases of Lands or Tenements, whether on a Decree in Chancery, or Writ of Error; to the End such Value may be ascertained, and that it may be known whether the same Value amounts to the Sum limited by the same Instructions for allowing Appeals; it is hereby enacted and ordained, That, in all such Cases, a Warrant shall issue, under the Foot of the Great-Seal, or the private Seal of the Person presiding in Chancery, or Court of Error, where the Matter did depend, at the Request of the Party appealing, directed to five Persons, or any three or four of them, (the Members of the Council, and Justices of the Court of Common Pleas only excepted,) to be nominated, two by the Appellant, and two by the Respondent, and a fifth, by the Person presiding issuing the Warrant, as an Umpire, in case there shall be an Equality of the other four differing, directing them, or any three or four of them, to appraise the Lands or Tenements in Dispute, and to make Returns thereof, in five Days, under their Hands and Seals, on Oath, into the Secretary's Office of this Island; which Oath may be made, either before the Person presiding, or before the Marshal, or his Deputy, in this Island, for the time being, or the Secretary, or his lawful Deputy; and the Secretary, for the time being, of this Island, or his lawful Deputy, or the Marshal, or his Deputy, in this Island, for the time being, are hereby respectively empowered to administer the same Oath.

Appeals from
Decrees in
Chancery, or
Judgments on
Writs of Er-
ror, to be re-
gulated by the
Royal Instruc-
tions.

If Doubt arises
whether Va-
lue of Proper-
ty amounts to
Sum limited
for Appeal;
to be settled
by Appraise-
ment, as in
Clause.

CLXXIX. And if either Party do neglect or refuse,—twenty-four Hours, after Notice from the adverse Party, with Appraisers' Names in Writing,—to nominate his two Appraisers; then, upon Affidavit

If one Party
neglect to no-
minate two
Appraisers,
all the four
of
may

may be nominated by the other; so as Affidavit of Service of due Notice and Neglect be made.

Appraisers' Names to be left with Secretary.

Party procuring Warrant, to give Appraisers and Umpire forty-eight Hours' Notice.

Fourteen Shillings to be paid to each.

Appraiser or Umpire neglecting Duty, may be taken by Attachment and fined 50*l.* *max.* 10*l.* *min.*

Fine to go towards Fortifications.

Party offending may be examined on Interrogatories, and punished for Contempt.

COURT of KING'S BENCH and GRAND SESSIONS; to commence Sittings

of the Service and Neglect, the whole four Appraisers shall and may be nominated by the other Party; and the Affidavit of Service and Neglect shall be made before the Person presiding issuing such Warrant, or before the Secretary, or his Deputy; who is hereby empowered to swear the Parties concerned: and the Affidavit shall be filed in the Secretary's Office; and the Method of leaving Names of Appraisers, in order to put into the Warrant, shall be by lodging their Names with the Secretary, who is to make out a Warrant of Appraisement.

CLXXX. And be it further enacted by the Authority aforesaid, That each Appraiser, and the Umpire, shall be served, by the Party procuring the Warrant of Appraisement, with a Notice in Writing, mentioning the Cause, Time, and Place of Attendance, in a brief Manner,—or with the Copy of the Warrant of Appraisement,—at least forty-eight Hours before the Time of the Return thereof, that they may agree when and where to meet; and each Appraiser, and the Umpire, shall be allowed fourteen Shillings for his Trouble; and in case either of the Appraisers, or the Umpire, refuse or neglect, duly, to execute such Warrant in all respects, and to make Return on Oath as hereby directed, without lawful Excuse to be admitted by the Court from whose Decree or Judgment the Appeal goes, each such Appraiser, or Umpire, shall, upon Affidavit of the Service and Neglect, be taken by Attachment from the same Court, under the Foot of the Great-Seal, or the private Seal and Hand of the Person presiding, directed to the Marshal or his Deputy, and fined, not exceeding fifty Pounds, nor under ten Pounds, current Money of this Island, by the Court from which the Appeal goes, and be committed to close Custody until Payment thereof; which Fine shall be to the Use of His Majesty, His Heirs, and Successors, to be paid into the Public Treasury of this Island, for the Support of the Forts and Fortifications of this Island; and the Party offending shall and may, if Occasion be, be examined upon Oath, upon Interrogatories, touching such last-mentioned Default, as for a Contempt; and such Examination to be either before the Master in Chancery, if the Cause was in Chancery; or before the Secretary, or his Deputy, if the Cause was in Error; and to be proceeded against, summarily, touching the same, as proper in Cases of Contempt.

CLXXXI. And in order to establish a certain Course for determining Criminal Matters, be it, and it is hereby further enacted by the Authority aforesaid, That twice in every Year, to wit, on the *first Tuesday in March*, and the *last Tuesday in September*, at the Court-house,

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house, in the Town of *Saint John*, in this Island of *Antigua*, shall be held a Court for hearing and determining Criminal Matters, which shall be called the COURT OF KING'S BENCH AND GRAND SESSIONS FOR ANTIGUA; which Court shall have, and is hereby invested with the same and as full Power to hear, and judge, determine, and execute, in all *Criminal Matters* and *Pleas of the Crown*, arising within this Island, and the Islands thereto adjacent, and by Law made Part thereof,—from high Treason inclusive, to the lowest Misdemeanor and Trespass included,—within this Island; as the Court of King's Bench, in that Part of *Great Britain* called *England*, hath in *England*; and as Justices of *Oyer and Terminer* and general Jail-delivery have, there; and as Justices of the Peace in *England* in their Sessions have there, by Law: and, also, shall have, and are vested with the same Powers to hear, try, judge, determine, and execute, in all *Matters for making, altering, and appointing, Public Ways and Paths, making Constables, and Waywardens*, and doing all such other Things as, by any Law or Act of this Island, Justices of *Oyer and Terminer*, and general Jail-delivery, and Justices of the Peace in their Sessions, or any of the same Justices, are empowered to do; and shall adjudge and determine, in all and every the same Matters, according to the Law and Statutes of *Great Britain* in force or to be in force here, and the particular Laws and Acts of this Island, and the general Laws of the *Leeward Caribbee Islands*.

Sittings first Tuesday in March; last Tuesday in September.
See S. 190.
Power and Jurisdiction of Court, to extend to Criminal Matters and Pleas of the Crown, &c.

CLXXXII. Provided always, and be it enacted by the Authority aforesaid, That Nothing herein contained shall be construed to bar or hinder His Majesty's Commander in Chief of these Islands for the time being, at any time or times, to issue a Commission or Commissions of *Oyer and Terminer*, and Jail-delivery, for such particular Ends and Purposes as shall be thought necessary.

Commander in Chief may issue Commission of *Oyer and Terminer*, and Jail-delivery for particular Purpose.

CLXXXIII. And be it further enacted by the Authority aforesaid, That the said Court of King's Bench and Grand Sessions, hereby established, shall be, and is hereby declared, to all Intents and Purposes, a Court of Record; and also that no particular Commission shall be necessary for holding the said Court, or appointing Justices thereof: but the Justices thereof shall be, and are hereby authorised and enabled, to act in all Things aforesaid, by virtue of this Act, without further Writ, Commission, or Authority.

King's Bench and Grand Sessions, a Court of Record.

Act, Authority to Court and Judges without further Commission.

CLXXXIV. And be it also enacted by the Authority aforesaid, That the several Persons following shall be Justices of the said Court, and no other, that is to say, THE Lieutenant General of His Majesty's *Leeward Caribbee Islands*, for the time being; the Lieutenant

Court to be constituted of Lieut. General of L. Islands, Lieut. Governor of Anti-

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gua, Members
of Council,
Justices of C.
P. Barons of
Exchequer,
Justices of
Peace:—but
any Person
invested with
Prerogative of
Pardoning, as
Commander
in Chief, can-
not sit in K. B.

Any five Jus-
tices, a Court:
so as two of
the five be
either the
Lieutenant
General or
Lieutenant
Governor, and
a Member of
Council, or
two Judges of
C. P. or Ba-
rons of the
Exchequer.

Order of Pre-
cedence.

Quorum Ma-
gistrates.

Speaker of As-
sembly, if in
Commission
of Peace, to
rank next af-
ter the Coun-
cil.

Members of
Court to take
usual Oaths,
and

OATH.

Governor of this Island, for the time being; all the Members of His Majesty's Council for this Island, for the time being; the Justices of the Court of Common Pleas, and the Barons of the Exchequer of this Island, for the time being; and all His Majesty's Justices of the Peace of this Island, for the time being: except always, that if any one of the said Persons shall then happen to be Commander in Chief of the *Leeward Caribbee* Islands, he shall not be a Justice of the said Court while so acting as Commander in Chief, because in him rests the Exercise of the Prerogative, annexed to the high Executive Power, of pardoning or respiting Criminals.

CLXXXV. And be it further enacted by the Authority afore-
said, That any five, or more, of the same Justices shall be a Court,
but not less than five; so always that of these five, two of the said
Persons shall either be the said Lieutenant General, or Lieutenant
Governor, and some Member of His Majesty's Council, or two
Justices of the Common Pleas, or Barons of the Exchequer: and
that the Person to preside in the said Court shall be dignified, ad-
dressed, and known, during the Sittings of that Court, by the Title
of the *Honourable the President of His Majesty's Court of King's Bench,
and Grand Sessions of the Peace*. And the Method of Precedency
among the same Justices, who shall attend in Court, shall be,—First
the said Lieutenant General; then the said Lieutenant Governor;
then the Members of His Majesty's Council, in order as they take
Place at the Council Board; then the Chief Justice of the Common
Pleas; then the Chief Baron of the Exchequer; then the Judges of
the Common Pleas; then Barons of the Exchequer, each accord-
ing to the Priority of their Commission; and then the said Justices
of the Peace, in the Order named in the Commission of the Peace.
And the Lieutenant General, Lieutenant Governor, Members of His
Majesty's Council, Chief Justice of the Common Pleas, Chief Baron
of the Exchequer, Puisne Judges of the Common Pleas, and Puisne
Barons of the Exchequer, are all hereby declared to be of the *Quorum*,
in all Cases whatsoever cognizable by a Justice of Peace. Provided
always, That if the Speaker of the Assembly of this Island, shall be
one of His Majesty's Justices assigned to keep the Peace within
this Island, and shall sit in the said Court of King's Bench and Grand
Sessions of the Peace, he shall take Rank upon the Bench of the
said Court next after the Members of His Majesty's Council.

CLXXXVI. And be it further enacted by the Authority afore-
said, That all the Members of the said Court, before they shall be
enabled to sit as Justices thereof, shall take the Oaths, and subscribe
the

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the Test, appointed by Law to be taken and subscribed by Persons in Posts or Places of Trust, and shall also take the following Oath, *videlicet*.

I [A. B.] do swear, that according to the best of my Skill and Knowledge, I will do impartial Justice, according to Law, between the King and his Subjects, and between Subject and Subject, as one of His Majesty's Justices of His Majesty's Court of King's Bench and Grand Sessions of the Peace for this Island, without Favour, Affection, or Partiality.

OATH.

SO HELP ME GOD.

CLXXXVII. And be it also enacted by the Authority aforesaid, That every Justice of the same Court shall have an equal Voice; and, in taking the Votes, the youngest Justice of the same Court, in respect to the Order of Precedency herein-before established, shall vote first, and so gradually upwards.

Equal Voices.

Youngest Justice to vote first.

CLXXXVIII. And be it further enacted by the Authority aforesaid, That, if any of the Justices of the Court hereby established shall be prosecuted in the said Court, such Justice is hereby declared subject to the Jurisdiction thereof, and shall be incapable of sitting as a Justice of the Court, at which any Indictment against such Justice shall be found, or heard, and determined: **SAVE AND EXCEPT** from the Jurisdiction of this Court, as Offenders, His Majesty's Commander in Chief of these Islands; the Lieutenant General of the same; the Lieutenant or Deputy Governor of this Island of *Antigua* for the time being; and the President of the Council of the same Island for the time being, when and so long only as there shall be no Lieutenant Governor, or Deputy Governor of *Antigua*, in Commission, and such President shall act as Lieutenant or Deputy Governor: because the said exempted Persons are expressly made liable to be prosecuted in a particular Manner, by the Statute for that Purpose, made in the eleventh and twelfth Years of the Reign of His late Majesty King *William* the Third, of glorious Memory.

Justices, if prosecuted, to be subject to Jurisdiction of Court, and not to sit, while Prosecution depending: *except* Commander in Chief of L. I. Lieutenant General of L. I. Lieutenant Governor of *Antigua*; President of Council, when acting as Lieutenant Governor; who are amenable as in 11. and 12. Will. III. Cap. 12.

CLXXXIX. And be it also enacted by the Authority aforesaid, That the Court of King's Bench and Grand Sessions, hereby established, shall and may proceed to hear, determine, order, direct, and finish, any Indictment, Presentment, Information, Process, Petition, or other Matter or Thing whatsoever, already begun by any former Court of Oyer and Terminer, General Jail-delivery, or Sessions of the Peace, or of King's

Clause has ceased to operate.

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Bench and Grand Sessions of the Peace, heretofore held for this Island; and all Persons standing bound over, for Appearance of themselves or others, shall appear, or cause Appearance to be made, at the first Meeting of the same Court hereby established, upon Pain of forfeiting their Securities on Default, unless further Time given by the said Court.

Court may adjourn and sit for thirty Days from Times in S. 181.

If the Court cannot meet as appointed, Chief-in-Command may appoint further Day, giving fourteen Days' Notice.

Officers of Court.

Proceedings to be in English Tongue; and to assimilate to Practice in English Courts.

Two Justices (also of C. P.) may take Bail, throughout the Year, in all Cases, as fully as K. B. in England.

CXC. And be it also enacted by the Authority aforesaid, That the said Court of *King's Bench and Grand Sessions* shall have Power and Authority to sit and adjourn, from time to time, during the Space of thirty Days from the first Time of Meeting hereby appointed for holding each Court respectively, and no longer: and if, by Alarms or other Causes, the said Court cannot meet at the Time hereby prefixed, the Person in Chief Command on this Island may appoint any other Day for holding the same Court, and the same shall be held accordingly: so always as there shall be fourteen Days from the Day of making such Order, unto the Day thereby to be appointed, for holding the same Court.

CXCI. And be it also enacted by the Authority aforesaid, That the Clerk of the Crown of this Island for the time being, or his lawful Deputy, shall be Clerk of the Court of *King's Bench and Grand Sessions* hereby established; and the Provost Marshal of this Island, or his lawful Deputy, shall be Marshal of the same Court for the time being; and that the said Provost Marshal, or his Deputy, shall, at his own Expense, find a Cryer, and, at least, three more Under-officers, to attend the Grand and Petty Juries.

CXCII. And be it further enacted by the Authority aforesaid, That the Court of *King's Bench and Grand Sessions*, hereby established, and the Business thereof, shall be carried on, as has been usual, in the *English Tongue*; and by Indictment, Presentment, Appeal, Information, Bill, Petition, or otherwise, as agreeably as may be to the Forms and Practice of the Courts of *Oyer and Terminer*, and Sessions of the Peace, in that Part of *Great Britain* called *England*, and the usual Practice heretofore followed in such Courts held in this Island.

CXCIII. And because the Court of *King's Bench and Grand Sessions* hereby established will sit but twice a Year, be it therefore enacted by the Authority aforesaid, That any two or more of the said Justices of the said Court of *King's Bench and Grand Sessions*, being then Justices also of the Common Pleas of this Island, shall and may, at any time in the Year, take and admit Bail in all Cases, as fully as a Court of *King's Bench* in *England* can do there, in Term Time, or out of Term Time. [And by No. 509, S. 12. may,

on

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on Motion of Counsel, grant Habeas Corpus, and remand or discharge with or without Bail.]

CXCIV. And be it further enacted by the Authority aforesaid, That Summons, by way of *Letter*, shall be issued, by the Secretary, to the respective Justices of the said Court, requiring their Attendance at the Day hereby appointed for each Court of King's Bench and Grand Sessions aforesaid; which Summons shall be, timely, delivered to the Marshal, so that he may serve them six Days, at least, before each Day for holding the same Court; and the Marshal, or his Deputy appointed for that Purpose, shall serve them accordingly.

Secretary (by *Letter*, delivered by Marshal,) to summon Justices six Days before Holding of Court.

CXCV. And be it also enacted by the Authority aforesaid, That all Coroners, Waywardens, and Townwardens, and Constables, of this Island, are hereby required, at their Perils, to attend without further Notice, at the said Court respectively, from the Beginning of the Sessions to the End thereof, unless excused, or sooner discharged by that Court.

Coroners; Waywardens; Townwardens; Constables; to attend Court without Notice.

CXCVI. And be it further enacted by the Authority aforesaid, That all Officers, Coroners, Waywardens, Townwardens, Constables, and other Persons whatsoever, who shall be required, or are by this Act required, to attend the Court of *King's Bench and Grand Sessions* hereby established, shall be liable to Fines on Non-attendance, not under three Pounds, nor above ten Pounds, current Money of *Antigua*: EXCEPT ALWAYS the Justices of the same Court from being liable to any Fines for Non-attendance in their Capacities of Justices: but may be liable to Fines for Non-attendance in any other Capacity. [SEE, respecting Recovery of Fines from Public Officers, Reference at the End of S. 200, infra.]

Officer or other Person, not attending Court according to Act, liable to Fine of 3*l.* min. 10*l.* max.

Justices exempt, as Justices.

CXCVII. And be it also enacted by the Authority aforesaid, That all Justices of the Peace, Coroners, and other Persons, who shall have taken any Inquest, Depositions, Recognizances, or other Papers relating to the Peace, or to the Matters cognizable by the same Court hereby established, shall send the same to the Clerk of the Crown, four Days before the Holding each of the said Sessions; and if taken within such four Days, then as soon after the same was taken as conveniently may be.

Inquests, Depositions, Recognizances, &c. to be returned to Clerk of the Crown four Days before Holding of Court.

CXCVIII. And be it also enacted by the Authority aforesaid, That all Magistrates, Justices of the Peace, Coroners and others, hereafter taking, or who have already taken, Recognizances, or other Securities of the Peace, for Appearance at the Sessions of the Peace, although no mention shall be made of the particular Style or Styles of

Recognizances, not formally mentioning the Style of the Court, to be binding.

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Recognizances
to be return-
ed at Length.
Constables'
Staves to be
provided, and
kept in Mar-
shal's Office;

for Consta-
bles' Use dur-
ing Sessions.

Clerk of the
Crown, ten
Days, at least,
before Hold-
ing of Court,
to issue Writ,
or Precept,
for summon-
ing Grand
and Petit Ju-
ries; signed
by two or
more of Jus-
tices.

Marshal to
summon thir-
ty Persons, of
best Note,
Freeholders
and Inhabi-
tants, to serve
as Grand Ju-
rors; forty-
eight suffici-
ent Freehold-
ers and Inha-
bitants, to
serve as Petit
Jurors; four
Days before
Holding of
Court.

of the Court, hereby established, the same shall be binding, for Ap-
pearance at the same Court, and, forfeited for Non-appearance;
and also, that all such Recognizances shall be written, with their
Conditions, at full Length, and so returned, and not otherwise.

CXCIX. And be it further enacted by the Authority aforesaid,
That at the Expense of the Public of this Island, there shall be
provided a Staff for each Constable in the said Island, of six Foot
long, and of a proper Thickness, and of a durable and tough Wood,
which shall be painted at top, and the Word "*Antigua*" painted
thereon, which shall be lodged in the Office of the said Marshal,
and shall be delivered out to the Constables, during the Sessions of
the said Court; to be delivered to the Marshal, or his Deputy, at
the End of such Sessions; and the Number of such Staves to be
kept-up, if any should be broken or lost.

CC. And be it also enacted by the Authority aforesaid, That the
Clerk of the Crown, at his Peril, shall, ten Days, at least, before
the Sitting of each Court of *King's Bench and Grand Sessions*, issue
out a Writ, or Precept, in general Terms, in the King's Name,
which shall be tested generally to this Effect, '*Witness the Justices of*
' *the said Court, hereto subscribing and sealing;*' and the Marshal, at
his Peril, shall address himself to some of the said Justices upon this
Island, applying to them in Course, according to their Degrees, be-
ginning with the Lieutenant General first, and so downwards in
Order, and shall get the said Writ or Precept signed by two or more
of them; the Tenor whereof shall be, *to summon a sufficient Grand*
Jury, and sufficient Petty Juries, of the Freeholders and Inhabitants of
this Island, to serve at the next Court of Grand Sessions of the Peace to
be held for this Island, on the Day of [next, or
instant] *in the Town of Saint John, in this Island, and to publish the*
Holding of the said Session as this Law directs.

CCI. And be it also enacted by the Authority aforesaid, That,
by virtue of the said Writ, the Provost Marshal, or his Deputy,
shall summon thirty Persons of the best Note,—not being Members
of the said Court of *King's Bench and Grand Session*,—Freeholders
and Inhabitants of this Island, to serve as Grand Jurors, and, at
least, forty-eight sufficient Freeholders and Inhabitants of this Island
to serve as Petty Jurors, at the same Court respectively; and to
prevent Disputes about good Service of Notice to such Jurors, the
Summons shall be by a short Writing, signed by the Marshal, or
his Deputy, to this Effect: *Mr. [A. B.] appear on the* Day
of [next, or instant,] *and serve as [a Grand Juror, or Petty*
Juror;

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Juror; distinguishing which, in the Summons,] *at the Court of King's Bench and Grand Sessions of the Peace*; which Summons shall be served, personally, or by leaving it at the usual Place of Abode of the Person summoned, at least four Days before, exclusive of the Day of Attendance; and the Marshal, or his Deputy, shall publish, further, the Holding each of the same Courts, in the Gazette of this Island, five Days before the Holding each Court, if any Gazette shall be then published in *Antigua*; and if there shall be no such Gazette, then, by fixing up a Publication in Writing, in a large Hand, at the North and South Gates of the Court-house in *Saint John's*, at least five Days before the Day of Holding each of the same Courts; and so when held, on an Adjournment by the Governor, in cases of Alarms and Interruptions as aforesaid.

And to publish, five Days before, when Court is to be held.

CCII. And be it further enacted by the Authority aforesaid, That any Person, who shall be concerned to defend or prosecute any Thing in the same Court hereby established, shall and may have *Subpœnas* for Witnesses to attend, under Penalty of fifty Pounds, current Money of this Island, Forfeiture, for each Witness not attending; *to be served*, and the *Penalty to be recovered*, in manner, and for the same Uses, as is or shall be by Law established in case of *Subpœnas* for Witnesses to attend in the Court of Common Pleas of this Island; to be *signed and sealed* only by the Secretary of this Island, or his Deputy, for the time being, and shall be tested in the King's Name; but Nothing herein to hinder the Binding-over any Witness, to appear at the same Court hereby established, by Recognizances heretofore used for Appearance at Sessions of the Peace.

Parties may have *Subpœnas* for Witnesses, at a Penalty of 50*l.*; to be served as in S. 46.

Signed and sealed by Secretary only; tested in King's Name.

Clause not to prevent *Binding-over* Witnesses.

CCIII. And be it also enacted by the Authority aforesaid, That the Fines of Jurors not appearing, at the Call of them, at the Courts hereby established, or departing without Leave of the said Court, shall be as follows, *videlicet*, A Grand Juror, for every Default, ten Pounds, current Money of *Antigua*; and every Petty Juror, five Pounds, like Money, for each Default.

Grand Juror not attending to forfeit 10*l.*
—Petit Juror 5*l.*

See S. 63.

CCIV. And be it also enacted by the Authority aforesaid, That if any Person or Persons whatsoever, be indicted of any Offence, for which, by virtue of any former Law or Statute, he, she, or they are excluded from having the Benefit of his, her, or their Clergy, if he, she, or they had been thereof convicted, by Verdict or Confession; if he, she, or they shall stand *mute*, or will not answer directly to the Felony, or shall challenge, peremptorily, above the Number of twenty Persons returned to be of the Jury, or shall be outlawed thereupon,

Person indicted capitally, standing *mute*, or peremptorily challenging more than twenty Jurors, to be excluded Benefit of Clergy.

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Persons guilty
of Robbery,
excluded from
Benefit of
Clergy.

thereupon, such Person or Persons shall not be admitted to the Benefit of his, her, or their Clergy.

CCV. And be it also enacted by the Authority aforesaid, That all and every Person and Persons, that shall, from and after the Day of the Date of this Act, rob any other Person, in any Part of the Island of *Antigua*, or in any of the Islands thereto adjacent and belonging; or that shall comfort, aid, abet, assist, counsel, hire, or command any Person or Persons so robbing; being thereof convicted, or attainted,—or, being indicted thereof, that shall stand mute, or will not directly answer to the Indictment, or shall, peremptorily, challenge above twenty Persons returned to be of the Jury,—shall not have the Benefit of his, her, or their Clergy.

Privately or
otherwise
stealing out of
a Dwelling-
house, Shop,
Store-house,
Warehouse,
or Out-house,
to the Value
of 10*l.* cur-
rent Money;
Felony with-
out Benefit of
Clergy.

CCVI. And whereas the Crimes of Burglary, and Breaking-open of Houses in a felonious Manner, and the Crime of stealing Goods, privately, out of Dwelling-houses, Shops, Store-houses, Warehouses, and other Houses to the same belonging, are of late Years much increased, to the great Detriment and unspeakable Loss of many of the Inhabitants of this Island, occasioned for Want of due Prosecution therein: For preventing whereof, be it enacted by the Authority aforesaid, That all and every free Person and Persons that shall at any Time or Times, by Night, or in the Day-time, from and after the Date of this Act, in any Dwelling-house, Shop, Store-house, Warehouse, or Out-house to any Dwelling-house, Shop, Store-house, or Warehouse belonging, feloniously steal any Money, Goods, Wares or Merchandizes, being of the Value of ten Pounds, current Money of the said Island, or more; (although such Dwelling-house, Shop, Store-house, Warehouse, or Out-house to the same belonging, be not actually broke-open by such Offender or Offenders; and although the Owners of such Goods, or any other Person or Persons, be, or be not, in such Dwelling-house, Shop, Store-house, Warehouse, or Out-house to the same belonging, to be put in Fear;) or, shall assist, hire, or command, any Person or Persons to commit such Offence, being thereof convicted or attainted, by Verdict, or Confession; or, on being indicted thereof, shall stand mute, or will not directly answer to the Indictment, or shall peremptorily challenge above the Number of three-and-twenty Persons returned to be of the Jury; shall, by virtue of this Act, be absolutely debarred and excluded of and from the Benefit of the Clergy.

CCVII. And forasmuch as the said Felons are much encouraged to commit such Burglaries and Felonies, because a great Number of
Persons

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Persons make it a Trade to receive and buy, of the same Felons, the Goods so feloniously taken, and also do make it their Business to harbour and conceal the said Offenders, after the said Facts, knowing the said Felonies and Burglaries to have been by them committed; be it therefore enacted by the Authority aforesaid, That if any Person or Persons shall receive or buy any Goods or Chattels, from any such free Person or Persons, that shall be feloniously taken or stolen from any other Person, knowing the same to be stolen, or shall receive, harbour, or conceal any Burglars, Felons, or Thieves, knowing them to be so, they shall be taken and received, as Accessary or Accessaries to the said Felony or Felonies, and, being, of either of the same Offences, legally convicted, shall suffer and incur the Pains of Death, as a Felon-convict. Provided always, That if any such principal Felon cannot be taken, so as to be prosecuted and convicted for any such Offence, or shall be admitted as an Evidence on the Part of the Crown: Yet nevertheless, it shall and may be lawful to prosecute and punish every such Person and Persons, buying or receiving any Goods stolen by such principal Felon, knowing the same to be stolen, as for a Misdemeanour, to be punished by Fine and Imprisonment, or other such corporal Punishment as the Court shall think fit to inflict, although the principal Felon be not before convicted of the said Felony; which shall exempt the Offender from being punished as Accessary, if such principal Felon shall be afterwards taken and convicted.

Persons receiving or buying stolen Goods; or harbouring Burglars, Felons, or Thieves; Accessaries, and to suffer Death as Felons convict.

If principal Felon cannot be taken, or is admitted Evidence; Accessary may be prosecuted for Misdemeanour.

See Act of 18. Sept. 1794, (No. 494.)

CCVIII. And whereas the Punishment of Burning in the Hand, when any Person is convicted of Felony within the Benefit of Clergy, is, often, disregarded and ineffectual; and, sometimes, may fix a lasting Mark of Disgrace and Infamy on Offenders, who might otherwise become good Subjects, and profitable Members of the Common-wealth; be it therefore enacted, That, from and after the Publication of this Act, when any Person shall, in the said Court of *King's Bench and Grand Session of the Peace*, be lawfully convicted of any Felony within the Benefit of Clergy, for which he, or she, is liable, by Law, to be burned, or marked, in the Brawn of the left Thumb, it shall and may be lawful for the Court, before which any Person shall be so convicted, if such Court shall think fit, instead of such Burning or Marking, to impose upon such Offender such a moderate pecuniary Fine and Imprisonment as, to the Court, in its Discretion, shall seem meet: or otherwise, it shall be lawful, instead of such Burning or Marking, in any

Court may change Punishment of Burning in the Hand to Fine and Imprisonment; or, (in any Case, except Manslaughter,) to public or private Whipping inflicted three Times, max.

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Whipping to
be in Presence
of two Persons,
min. besides
Offender and
Officer.

Effect in Law,
same as
Branding.

of the Cases aforesaid, except in the Case of Manslaughter, to order and adjudge that such Offender shall be once, or oftener, but not more than three-times, either publickly or privately whipped: such private Whipping to be inflicted in the Presence of not less than two Persons, besides the Offender, and the Officer who inflicts the same; and in case of Female Offenders, in the Presence of Females only. And such Fine or Whipping, so imposed or inflicted instead of such Burning or Marking, shall have the like Effects and Consequences to the Party on whom the same or either of them, shall be so imposed or inflicted, with respect to any Discharge from the same or other Felonies, or any Restitution to his or her Estates, Capacities, and Credits, as if he, or she had been burned, or marked, as aforesaid.

CCIX. And whereas there hath been great Irregularity and Uncertainty, heretofore, in the Island, touching the ESTREATING OF RECOGNIZANCES FORFEITED, and FINES IMPOSED in Courts of *General Sessions*, and *Oyer and Terminer*; so that little Regard has been paid to the Authority of such Courts, and scarce ever any Recognizance put in Suit, and many of the Fines never levied, though great Numbers forfeited; which has been chiefly owing to the estreating of such Fines and Recognizances into the Court of Exchequer of this Island, if ever they were estreated at all, which they seldom have been, nor is there any Reason for so estreating them, but rather the contrary, because the Court of Exchequer has no certain Days of Sitting or Meeting, and seldom any Suit therein commenced, and all the judicial Records of this Island are lodged in the Secretary's Office of this Island, under the Care of one and the same Person, who exercises the Office of Clerk and Record-keeper also, of all the Courts of Justice, Civil and Criminal, within this Island:—To the End therefore that Certainty and Regularity may be established touching the Estreating and Recovering such Recognizances; be it enacted and ordained by the Authority aforesaid, That the Secretary of the said Island of *Antigua*, or his lawful Deputy, shall, within four Days next after the Holding of the Court of *King's Bench and Grand Sessions of the Peace*, whereat or wherein any Recognizance or Recognizances have been ordered to be estreated, make out a true and perfect Extract of all such estreated or forfeited Recognizances, to be signed by the Person who presided in the said Court; and the said Secretary, or his Deputy, shall, within ten Days next after such Extract shall have been signed as aforesaid, without further Warrant or Authority, make out and deliver to the Provost Marshal,

On Order of
Court to es-
treat Recogni-
zance,—Se-
cretary, in
four Days af-
ter, to make
Extract of Re-
cognizance,
for Signature
of Presiding
Justice.

Extract sign-
ed,—Secreta-
ry, in ten Day
after,

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Marshal, or his Deputy, Writ or Process for recovering the Monies due and owing upon or by Virtue of the said Recognizances, in the Manner and Form following, *videlicet*.

after, to deliver Process for recovering Forfeiture to Marshal.

GEORGE the Third, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth, To the Provost Marshal of our Island of Antigua, or his lawful Deputy, greeting; Whereas lately, that is to say upon [setting forth the Date of the Recognizance] A. B. C. D. and E. F. [naming the several Persons bound by the Recognizance] came before [naming the Justice or Justices before whom the Recognizance was acknowledged] and acknowledged to owe to Us the several Sums of Money following, [that is to say, setting forth the several Sums of Money in which each Person was bound] under this Condition [setting forth the Purport or Effect of the Condition of the Recognizance,] As by the said Recognizance, remaining among the Records of our said Court of King's Bench and Grand Sessions of the Peace, manifestly appeareth; which said Recognizance was by the said Court, upon [setting forth the Day upon which the Recognizance was ordered to be estreated] declared to be forfeited, and ordered to be estreated, because the said [naming the Principal] did not appear at the said Court, as he was bound to do by the said Recognizance; [or setting forth such other Cause as may be necessary or proper,] as by the Record and Proceedings thereof also manifestly appeareth; We therefore command you, that you attach the Bodies of [the said Defendants], so that you may have them before the Justices of our Court of Common Pleas, holden for our said Island of Antigua, upon [setting forth the Day upon which the next Court of Common Pleas is to be holden] to answer to Us for the said Debt: And We further command you that you make known to the said [naming the Defendants], that they be before the Justices of Our said Court of Common Pleas, on the said [mentioning the Day upon which the Defendants are to appear] to shew if any Thing they have, or either of them hath, or knoweth, for themselves, or himself, why We should not have Execution against them for the said Debt.

FORM of Process.

Which said Writ shall be tested in the Name of the Chief Justice, or Senior Assistant Justice, of the said Court of Common Pleas, as in the Case of other Writs or Process issued out of the said Court. [By No. 509, S. 6, Fines, incurred by Coroners, Jurors, Waywardens, Constables, or other Persons, for Neglect of Duty, are to be recovered

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as nearly as possible according to the Process in this Clause on Recognizances.]

Proceedings
in K. B. on Re-
cognizance to
be recorded in
C. P.

Defendant,
may plead as
advised.

Fees as in
Suits be-
tween Subject
and Subject.

Defendant, tak-
en on Fine or
Recognizance,
—whether
Freeholder or
not, to give
special Bail,
or be commit-
ted.

Condition of
Bail-bond.

Appearance to
be by Recogni-
zance; with
two Sureties;
Conditioned to
pay Execu-
tion awarded.

Marshal to re-
turn Writ
within six
Days before
next Court.
If any of De-
fendants can-
not be taken,
Affixing Copy
of Writ, four-
teen Days be-
fore Court, on
Gate of Court
House, good
Summons.

CCX. And be it also enacted and ordained by the Authority aforesaid, That an Entry shall be made among the Records and Proceedings of the said Court of Common Pleas, of the Issuing the said Writ, and of the Return made thereon by the said Provost Marshal, or his Deputy, and of all Pleas, and other Proceedings had thereupon: and the Defendant or Defendants may plead such Matters and Things, for avoiding the said Recognizance, or the Force or Effect thereof as the Case may require; and such Fees shall be had and taken for the same, as may, now, be lawfully demanded in the Case of *Suits between Subject and Subject*.

CCXI. And be it enacted by the Authority aforesaid, That each of the said Defendants, whether a Freeholder or not, shall, if taken, be either committed to the Common Jail, or obliged to give Bail; by Bond or Obligation to His Majesty, his Heirs, and Successors; in double the Sum endorsed upon the said Writ; to be entered into by *himself and two sufficient Sureties*, and **CONDITIONED for the Appearance of the Defendant at the next Court of Common Pleas, to answer to His said Majesty, His Heirs and Successors, for the Breach of a certain Recognizance** [mentioning the Tenor and Effect thereof]. And *such Appearance shall be, by entering into a RECOGNIZANCE with two sufficient Sureties*, to His Majesty, his Heirs, and Successors, for the Penalty of the said Bail-bond or Obligation, and **CONDITIONED for the Payment of any Execution awarded by the said Court, on the Part of His said Majesty, His Heirs, or Successors, against the said Defendant, for the Breach of a certain Recognizance**; [setting forth briefly the Effect thereof;] *with Costs of Suit*; or to the like Purport and Effect.

CCXII. And be it further enacted by the Authority aforesaid, That the Provost Marshal, or his Deputy, shall, within six Days next before the Sitting of the next Court of *Common Pleas*, return the said Writ into the Secretary's Office of the said Island, and certify what he hath done in the Premises: and if either of the Defendants cannot be taken by virtue of the said Writ, then the said Provost Marshal, or his Deputy, shall, within fourteen Days next before the Holding of the said Court, affix a Copy of the said Writ upon one of the Gates of the Court-House: and the Affixing such Copy shall be a sufficient Authority to the said Provost Marshal, or his

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his Deputy, to *return*, upon the said Writ, that such Defendant or Defendants have been duly summoned; and if such Defendant or Defendants do not appear, and plead, at the said next Court, *Execution by Default* shall be awarded.

CCXIII. And be it further enacted by the Authority aforesaid, That if the said Defendants, or either of them, shall neglect or refuse to appear at the Time directed by the said Writ, or shall not plead to the said Writ within fifteen Days afterwards; then, Judgment, or Award of Execution, shall be given at the next Court following: or if any Plea pleaded, and Judgment is given thereon, Execution shall be immediately awarded against each of the said Defendants, separately, in the Form following:

GEORGE the Third, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, &c. To the Provost Marshal of Our Island of Antigua, or his lawful Deputy, Greeting; We command you, that you cause to be levied and made of the Goods and Chattels, Slaves, Lands, and Tenements, of [naming the Defendant,—mentioning the Sum] current Gold and Silver Money of our said Island, which the said [Defendant] acknowledged himself to owe unto Us, our Heirs, and Successors, by a certain Recognizance entered into upon [mentioning the Date and Effect of the Recognizance]: As by the said Recognizance, remaining among the Proceedings of Our Court of King's Bench and Grand Sessions of the Peace held for Our said Island of Antigua, manifestly appeareth: And whereupon it is considered, in Our Court of Common Pleas held for our said Island, that Execution should issue against the said [Defendant] for the said Sum of _____ and the further Sum of _____ for Costs: and of your Proceedings herein you are to make a Return, into the Secretary's Office of Our said Island, within thirty Days after the Date of this Our Writ. And hereof fail not, as you will answer the contrary at your Peril: or to the like Purport and Effect.

Which said Writ shall be tested by the Chief Justice, or Senior Assistant Justice of the said Court of Common Pleas, as in the Case of other Writs or Process.

CCXIV. And be it also enacted by the Authority aforesaid, That if the Condition of the said Bail-bond or Obligation shall be forfeited, such Bond shall, at the first Court of Common Pleas held after the Execution thereof, be proved by the Oath of one of the subscribing

If Defendants fail to appear, or to plead, Execution is to issue.

FORM of Execution.

Bail-bond, if forfeited, to be proved at first Court; and, at next Court Judgment, entered, and Execution,

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ecution, is-
sued.

Where special
Bail has been
given, by Re-
cognizance,—
Execution,
immediately
on Breach, to
issue.

Court of C. P.
on Cause
shewn, may
vacate or dis-
charge for-
feited Recog-
nizance.

Writ of Exe-
cution on for-
feited Recog-
nizance may
be levied,—
and real and
personal Pro-
perty, sold,
for ready Mo-
ney,—at any
time of the
Year.

Notice as in
S. 124.

Court may
make further
Orders and
Regulations.

Court of
King's Bench,
and Grand
Sessions may
mitigate or
take off Fines
imposed

scribing Witnesses, in open Court, and an Entry of the Tenor of the said Bond made and kept among the Proceedings of the said Court; and, at the next Court, *Judgment* shall be given, by *Default*, thereon; and *Execution*, immediately issued; unless the Court shall think proper to make Order to the contrary: such Execution to recite the said Bond or Obligation, and the Breach thereof, and the Judgment given thereupon, or as the Case may require.

CCXV. And be it further enacted by the Authority aforesaid, That where Special Bail hath been given by Recognizance as aforesaid, a Writ of Execution shall, immediately, issue against the Defendant, and his Sureties, reciting the Purport and Effect of the said Recognizance, and the Breach thereof, with the like Direction for levying the same as herein-before mentioned, or as the Case may require.

CCXVI. And be it also enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Court of Common Pleas, upon good Causes shewn, to vacate or discharge any estreated or forfeited Recognizances, or to stay the Proceedings thereon, in such Manner as to the said Court shall seem proper.

CCXVII. And be it further enacted by the Authority aforesaid, That Writs of Execution issued upon such forfeited Recognizances may be levied, and the Goods and Chattels, Slaves, Lands, and Tenements, of the Defendant or Defendants, sold at any time of the Year, for ready Gold and Silver Money only, without any Affidavit or Deposition being necessary to be made for affirming such Writ or Writs of Execution, or receiving the Monies levied by virtue thereof: any Thing in this Act before contained to the contrary notwithstanding. Provided always, That the same Notice shall be given of the Time and Place of the Sale of any Property levied-upon under or by virtue of such Writ or Writs of Execution, as is herein-before directed, in Cases between Subject and Subject.

CCXVIII. And be it also enacted by the Authority aforesaid, That the said Court of *Common Pleas* shall and may, from time to time, make such further Orders and Regulations, for the Framing of any other Writs or Process, for recovering the Monies due and payable by such forfeited or estreated Recognizances, or for the better Regulation of the Pleadings and Proceedings in such Causes, as to the said Court shall seem proper.

CCXIX. And be it also enacted by the Authority aforesaid, That the Court of *King's Bench and Grand Sessions*, hereby established, shall have Power, at the same Sessions, over any Fines which shall be by such Court laid or imposed, but not after, to mitigate or take-off

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off any Fine by such Court to be imposed. Provided nevertheless, That as Grand Jurors' and Petty Jurors' Fines are hereby made certain for Non-appearance, such Fines only shall not be mitigated, but shall be either entirely taken-off, or entirely continued.

imposed at same Court.

Jurors' Fines to be *entirely* remitted or inflicted.

CCXX. And be it also enacted by the Authority aforesaid, That the Provost Marshal, and his Deputy, respectively, for the time being, be, and are hereby empowered, and strictly enjoined and required, diligently to receive and collect-in all Monies due, or to be due, for any Fines aforesaid, either in the said Court of *Common Pleas*, or of *King's Bench and Grand Sessions*, or for any Recognizance forfeited, or to be forfeited as aforesaid, and to discharge the Party actually and *boná fide* paying the same; and, annually, or oftener, when called upon by the Treasurer, or his lawful Deputy, or the Committee of Public Accounts of the Council and Assembly of this Island from time to time to be appointed, shall account for the same, on Oath, and immediately, pay the Balance into the Hands of the Treasurer of this Island, or his Deputy, for the time being, upon Pain of Forfeiting his Security-bond, and being further prosecuted.

Marshal to collect Monies due for Fines, and forfeited Recognizances, and to account on Oath annually or oftener, for Receipts, and pay Balance to Treasurer.

CCXXI. And be it further enacted by the Authority aforesaid, That all Monies and Effects which, after legal Deductions, shall be raised upon any Fines or Forfeitures, to be *imposed by the same Courts hereby established*, or which shall *arise by Forfeitures of Recognizances*, entered into for Appearances at any former Court of *Oyer and Terminer*, and *General Jail-delivery*, or *King's Bench and Grand Sessions of the Peace* of this Island, or which shall be hereafter taken for Appearance at the Court hereby established, shall be applied as follows, to wit, First, to bear the incident Charges of the Court hereby established; and the Remainder to the Use of His Majesty, His Heirs, and Successors, to be paid into the Hands of the Treasurer of this Island for the time being, for the Support of the Forts and Fortifications thereof.

Fines and Forfeitures imposed by Court, or arising from Recognizances, to be applied, first, to incident Charges of Court; then, towards Public Fortifications.

CCXXII. And be it also enacted by the Authority aforesaid, That all Fines and Forfeitures *laid by this Act*, and not before particularly applied, shall go to His Majesty, His Heirs, and Successors, towards repairing the Forts and Fortifications of this Island.

Fines laid by Act, not particularly applied, to go towards Fortifications.

CCXXIII. And for the Encouragement of the Marshal in doing his Duty, in collecting Fines and Monies, due or to be due as aforesaid, upon forfeited Recognizances, or Sureties of the Peace; be it further enacted by the Authority aforesaid, That for all Monies or Effects arising by such Means, which shall be paid by such Marshal

Marshal to be allowed *5l. per Centum* on what, after

OR

Col.

Collecting, he
pays without
Suit.

or Deputy, without Suit or Prosecution at Law to compel the Payment thereof from such Marshal or Deputy, there shall be an Allowance made to such Marshal or Deputy, at and after the Rate of five *per Centum*.

In Cases not
provided for
by Act, the
Judges of each
Court, respec-
tively, may
make Rules;
to correspond,
as near as may
be, to the
Practice of
the respective
Courts in
England.

CCXXIV. And whereas it is impossible to provide specially for every Case that may happen, and to set-down the Form and Manner of Process in all Actions and Suits, or to determine all Points of Practice in the Body of this Act, be it therefore, and it is hereby enacted by the Authority aforesaid, That, in all Cases not herein or hereby sufficiently provided for, it shall be in the Power of the Justices or Judges of the said Courts of *Common Pleas*, *Error*, *King's Bench* and *Grand Sessions of the Peace*, respectively, or the Majority of such Judges or Justices of each of the said Courts respectively, from time to time, to make and establish general Rules for guiding the Practice of the same Courts, respectively, to which they belong, and to approve or direct the Forms of Process issuing out of the same Courts, respectively, as near, and as agreeable as may be, to the Practice of the Courts of *Common Pleas*, or *King's Bench*, or *Sessions of the Peace* in England, respectively: and the Secretary, or his Deputy, shall cause all such Rules to be entered in proper Books to be provided for that Purpose.

Act to be the
only Act for
regulating
Courts.

CCXXV. And be it further enacted by the Authority aforesaid, That this shall be the only Act of this Island by which the Proceedings in Courts of *King's Bench* and *Grand Sessions of the Peace*, and Courts of *Common Pleas*, and Courts of *Error*, in this Island shall be regulated and governed.

Suits com-
menced be-
fore Act, not
to abate.

CCXXVI. And be it also enacted by the Authority aforesaid, That no Action or Suit, or Indictment, commenced in any Court of this Island and *now* depending, shall be any way abated, or discontinued, by the Passing of this Act; but such Actions or Suits shall and may be continued, prosecuted, heard, and determined in the respective Court, wherein the same is now depending, as effectually to all Intents and Purposes, as if such Action or Suit, or Indictment, had been commenced in such Court after the Publication of this Act.

In force by
No. 578, S. 1.
for seven
Years from
16th March,
1804, and till
the Meeting of
the Houses.

CCXXVII. And be it further enacted by the Authority aforesaid, That this Act shall be and continue in Force, from the Date thereof, for the Term of *three Years*, and from thence to the next Meeting of the Council and Assembly of this Island.

Dated

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Dated at *Antigua*, the twenty-first Day of *January*, in the Year of our Lord one thousand seven hundred and ninety-one, and in the thirty-first Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God, of *Great Britain, France, and Ireland*, King, Defender of the Faith, and so forth.

THOMAS FREEMAN, *Speaker*.

Passed the Assembly, this twenty-third Day of *December*, one thousand seven hundred and ninety.

Passed the Council, this thirteenth Day of *January*, one thousand seven hundred and ninety-one.

ANTHONY BROWN,
Clerk of the Assembly.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

Passed by the Governor in Chief, the twenty-first Day of *January*, one thousand seven hundred and ninety-one.

THOMAS (L. S.) SHIRLEY.

Published this twenty-second Day of *January*, one thousand seven hundred and ninety-one.

ROBERT CLOGSTOUN, *Dep. Pro. Marshal.*

APPENDIX to No. 475.

I. *Referred to by S. 101.*

3. GULIEL. & MAR. CAP. 14.

An Act for the Relief of Creditors against fraudulent Devises.

WHEREAS it is not reasonable or just, that by the Practice or Contrivance of any Debtors, their Creditors should be defrauded of their just Debts; and nevertheless it hath often so happened, that where several Persons having, by Bonds or other Specialties, bound themselves and their Heirs, and have afterwards died seised, in Fee Simple,

PREAMBLE

ACT.

Devises void
against Cre-
ditors.

Creditor for
Debt on Bond
may sue Heir
and Devisee
of Obligor
jointly.

Devisee liable,
for false Plea,
as Heir.

Devise for
raising Por-
tions, pursu-
ant to Mar-
riage Con-
tract, good.

Heir aliening
before Action
brought, lia-
ble to Value
of Land sold:

of and in Manors, Messuages, Lands, Tenements, and Hereditaments, or had Power or Authority to dispose of or charge the same by their Wills or Testaments, have, to the Defrauding of such their Creditors, by their last Wills or Testaments devised the same, or disposed thereof in such manner as such Creditors have lost their said Debts: For remedying of which, and for the Maintenance of just and upright Dealings,

II. Be it enacted and declared by the King's and Queen's Most Excellent Majesties, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by Authority of the same, That all Wills and Testaments, Limitations, Dispositions, or Appointments, of or concerning any Manors, Messuages, Lands, Tenements, or Hereditaments, or of any Rent, Profit, Term, or Charge out of the same, whereof any Person or Persons at the Time of his, her, or their Decease, shall be seised in Fee Simple, in Possession, Reversion, or Remainder, or have Power to dispose of the same, by his, her, or their last Wills and Testaments, to be made after the five and twentieth day of *March*, in the Year of our Lord God one thousand six hundred ninety and two, shall be deemed and taken (only as against such Creditor or Creditors as aforesaid, his, her, and their Heirs, Successors, Executors, Administrators, and Assigns, and every of them) to be fraudulent, and clearly, absolutely, and utterly void, frustrate, and of none Effect; any Pretence, Colour, feigned or presumed Consideration, or any other Matter or Thing to the contrary notwithstanding.

III. And for the Means that such Creditors may be enabled to recover their said Debts; be it further enacted by the Authority aforesaid, That in the Cases before mentioned, every such Creditor shall and may have and maintain his, her, and their Action and Actions of Debt, upon his, her, and their said Bonds and Specialties, against the Heir and Heirs at Law of such Obligor or Obligors, and such Devisee and Devisees, jointly by virtue of this Act; and such Devisee or Devisees shall be liable and chargeable, for a false Plea by him or them pleaded, in the same manner as any Heir should have been, for any false Plea by him pleaded, or for not confessing the Lands or Tenements to him descended.

IV. Provided always, and be it enacted by the Authority aforesaid, That where there hath been or shall be any Limitation or Appointment, Devise or Disposition, of or concerning any Manors, Messuages, Lands, Tenements, or Hereditaments, for the Raising or Payment of any real and just Debt or Debts, or any Portion or Portions, Sum or Sums of Money, for any Child or Children of any Person, other than the Heir at Law, according to or in pursuance of any Marriage Contract or Agreement in Writing *bonâ fide* made before such Marriage, the same and every of them shall be in full force; and the same Manors, Messuages, Lands, Tenements, and Hereditaments, shall and may be holden and enjoyed by every such Person or Persons, his, her, and their Heirs, Executors, Administrators, and Assigns, for whom the said Limitation, Appointment, Devise, or Disposition was made, and by his, her, and their Trustee or Trustees, his, her, and their Heirs, Executors, Administrators, and Assigns, for such Estate or Interest as shall be so limited or appointed, devised or disposed, until such Debt or Debts, Portion or Portions, shall be raised, paid, and satisfied; any Thing in this Act contained to the contrary notwithstanding.

V. And whereas several Persons, being Heirs at Law, to avoid the Payment of such just Debts, as in regard of the Lands, Tenements, and Hereditaments descending to them they have by Law been liable to pay, have sold, aliened, or made over such Lands, Tenements, and Hereditaments, before any Process was or could be issued out against them; be it further enacted by the Authority aforesaid, That in all Cases where any Heir at Law shall be liable to pay the Debt of his Ancestor in regard of any Lands, Tenements, or Hereditaments descending to him, and shall sell, alien, or make over the same, before any Action brought, or Process sued out against him, that such Heir, at Law shall be answerable, for such Debt or Debts, in an Action or Actions of Debt,

to

31st GEO. III.

No. 475.

A.D. 1791.

to the Value of the said Land, so by him sold, aliened, or made over; in which Cases all Creditors shall be *preferred* as in Actions against Executors and Administrators; and such Executors shall be taken out upon any Judgment or Judgments so obtained against such Heir, to the Value of the said Land, as if the same were his own proper Debt or Debts; saving that the Lands, Tenements, and Hereditaments *bonâ fide* aliened before the Action brought, shall not be liable to such Execution.

and Creditors to be *preferred* as in Actions against Executors:

save that Lands, *bonâ fide* aliened before Action, not liable.

VI. Provided always, and be it further enacted by the Authority aforesaid, That where any Action of Debt upon any Specialty is brought against any Heir, he may plead *Riens per Descent* at the Time of the original Writ brought, or the Bill filed against him, any thing herein contained to the contrary notwithstanding: and the Plaintiff in such Action may reply, that he had Lands, Tenements, and Hereditaments, from his Ancestor, before the original Writ brought, or Bill filed; and if, upon Issue joined thereupon, it be found for the Plaintiff, the Jury shall enquire of the Value of the Lands, Tenements, or Hereditaments so descended, and thereupon Judgment shall be given, and Execution shall be awarded as aforesaid; but if Judgment be given against such Heir by Confession of the Action, without confessing the Assets descended, or upon Demurrer, or *Nihil dicit*, it shall be for the Debt and Damages, without any Writ to enquire of the Lands, Tenements, or Hereditaments so descended.

On Plea of *Riens per Descent*, Jury to enquire of Value of Land:

On Judgment by Confession; to enquire for Debt and Damages.

VII. Provided also, and be further enacted, That all and every Devisee and Devisees, made liable by this Act, shall be liable and chargeable in the same manner as the Heir at Law by force of this Act, notwithstanding the Lands, Tenements, and Hereditaments, to him or them devised, shall be aliened before the Action brought. Provided always, that this Act shall be in force for three Years, and to the End of the next Session of Parliament after the Expiration of the said three Years and no longer. [*Made perpetual by 6. & 7. W. 3. Cap. 14.*]

Devisee chargeable as Heir under Act.

II. Referred to by former Part of S. 102.

29. CAR. II. CAP. 3. S. 10. 11.

X. **AND** be it further enacted by the Authority aforesaid, That, from and after the said four and twentieth day of *June*, it shall and may be lawful for every Sheriff or other Officer to whom any Writ or Precept is or shall be directed, at the Suit of any Person or Persons, of, for, and upon any Judgment, Statute, or Recognizance hereafter to be made or had, to do, make, and deliver Execution, unto the Party in that behalf suing, of all such Lands, Tenements, Rectories, Tithes, Rents, and Hereditaments, as any other Person or Persons be, in any manner of wise, seised or possessed, or hereafter shall be seised or possessed, *in Trust for him against whom Execution is so sued*, like as the Sheriff or other Officer might or ought to have done if the said Party against whom Execution hereafter shall be so sued, had been seised, of such Lands, Tenements, Rectories, Tithes, Rents, or other Hereditaments, of such Estate as they be seised of in Trust for him at the Time of the said Execution sued: which Lands, Tenements, Rectories, Tithes, Rents, and other Hereditaments, by force and virtue of such Execution, shall accordingly be held and enjoyed, freed and discharged of all Incumbrances of such Person or Persons as shall be so seised or possessed in Trust for the Person against whom such Execution shall be sued; and if any *Cestuy que Trust* hereafter shall die, leaving a Trust in Fee Simple to descend to his Heir,—there, and in

Lands, &c. liable to Judgments, &c. of *Cestuy que Trust*;

and to be delivered in Execution to Party suing.

To be held free from Incumbrances of Person seised in Trust.

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Nis. 475, 476.

A. D. 1791.

every such Case, such Trust shall be deemed and taken, and is hereby declared to be Assets, by Descent, and the Heir shall be liable to and chargeable with the Obligation of his Ancestors, for and by reason of such Assets, as fully and amply as he might or ought to have been, if the Estate in Law had descended to him in Possession in like manner as the Trust descended; any Law, Custom, or Usage to the contrary in any-wise notwithstanding.

No Heir by reason thereof to become chargeable out of his own Estate:

but see No. 475, S. 102, for Modification; see also Article I. S. 5. in this Appendix.

XI. Provided always, That no Heir that shall become chargeable, by reason of any Estate or Trust made Assets in his Hands by this Law, shall, by reason of any kind of Plea or Confession of the Action, or suffering Judgment by *Nient dedire*, or any other Matter, be chargeable to pay the Condemnation out of his own Estate; but Execution shall be sued of the whole Estate so made Assets in his Hands by Descent, in whose Hands soever it shall come after the Writ purchased, in the same Manner as it is to be at and by the Common Law, where, the Heir at Law pleading a true Plea, Judgment is prayed against him thereupon; any Thing in this present Act contained to the contrary notwithstanding.

III. Referred to by latter Part of S. 102.

29. CAR. II. CAP. 3. S. 12.

Estates *pur auter vie*, to be devisable.

To be Assets in Hands of Heir, or Executor.

XII. **AND** for the Amendment of the Law in the Particulars following; be it further enacted by the Authority aforesaid, That, from henceforth, any Estate *pur auter vie* shall be devisable by a Will in Writing, signed by the Party so devising the same, or by some other Person in his Presence, and by his express Directions, attested and subscribed in the Presence of the Devisor by three or more Witnesses; and if no such Devise thereof be made, the same shall be chargeable in the Hands of the Heir, if it shall come to him by reason of a special Occupancy, or Assets by Descent, as in Case of Lands in Fee Simple; and in Case there be no special Occupant thereof, it shall go to the Executors or Administrators of the Party that had the Estate thereof by virtue of the Grant, and shall be Assets in their Hands.

No. 476.

EXPIRED.
See Act of 14th May, 1784, (No. 422.)

An Act for reviving, enforcing, and continuing an Act, intituled, An Act to repeal the eighteenth and twenty-second Clauses of an Act, intituled, An Act for encouraging the Importation of White Servants to this Island, dated the eleventh Day of July, one thousand seven hundred and sixteen; and, Part of the eighth Clause of another Act, intituled, An Act for increasing the Number of White Inhabitants of this Island, dated the eleventh Day of February, one thousand seven hundred

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Nis. 476, 477.

A. D. 1791.

hundred and forty; and for explaining and amending the said Acts; and for reviving and continuing one other Act, intituled, An Act supplementary to an Act, intituled, An Act for encouraging the Importation of White Servants to this Island, dated the eleventh Day of *July*, one thousand seven hundred and sixteen; also to another Act, intituled, An Act for increasing the Number of White Inhabitants in this Island, dated the eleventh Day of *February*, one thousand seven hundred and forty; and also, An Act supplementary to the foregoing Acts, dated the twenty-fifth Day of *April*, one thousand seven hundred and fifty-five; and for the Encouragement of, and maintaining White Women Servants, and preserving and increasing the Number of White Inhabitants in this Island, dated the first Day of *June*, one thousand seven hundred and sixty-seven; *which said Act was dated the fourteenth Day of May, one thousand seven hundred and eighty-four, and expired on the fifth Day of November, one thousand seven hundred and eighty-seven; and for confirming and justifying all Proceedings under the said Act as if the same had been in force and unexpired; and for indemnifying the Treasurer for acting thereunder.*

Dated 23d June, 1791.

An Act to alter and amend an Act, intituled, An Act for granting an Aid of Negro Labour to His Majesty, for the Purpose of erecting Works and Fortifications upon *Dow's Hill* in this Island.

No. 477.
OBSOLETE.

Dated 23d June, 1791.

An

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No. 478.

A. D. 1791.

No. 478. *An Act for repealing an Act, intituled, An Act for declaring the Oath of a Constable, made and passed the fifth Day of November, one thousand seven hundred and one; and for prescribing the Form of the Oath hereafter to be taken by Constables, and for enabling two Justices, out of Sessions, to appoint Constables in certain Cases.*

PREAMBLE.

WHEREAS, since the Passing of the said Act, many beneficial Laws have been enacted by the Legislature for the Government of the People of this Colony, and particularly *An Act for the establishing and regulating a nightly Watch in the Town of St. John*; which Act rendering the Form of the Oath, prescribed in the said first-mentioned Act, improper to be taken by Constables; we, therefore, Your Majesty's most dutiful and loyal Subjects, the Commander in Chief of Your Majesty's *Leeward Caribbee Islands in America*, and the Council and Assembly of this Your Majesty's Island, *Antigua*, humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and it is hereby enacted and ordained by the Authority aforesaid, That the said Act declaring the Oath of a Constable shall be repealed and made void; and the same is hereby repealed and made void.

ACT.
No. 125, re-
pealed.

II. And be it enacted and ordained by the Authority aforesaid, That the Oath hereafter to be taken by Constables shall be in the Words following:—

CONSTA-
BLE'S OATH.

YOU do swear that you will execute the Office of a Constable, for the Town or Division to which you are appointed, until another shall be sworn in your room, or until you shall be legally discharged therefrom.

SO HELP YOU GOD.

On Death or
Removal of
Constable,
Justices may
appoint his
Successor;
who

III. Whereas it frequently happens, that Persons after being appointed, by the Sessions, Constables for the respective Divisions in this Island, die or remove from the Divisions to which they are appointed, whereby Inconveniencies arise; be it therefore enacted by the Authority aforesaid, That in case any Constable shall die, or become resident in any other Division than that to which he is or shall be appointed, it shall and may be lawful for any two Justices of the Peace for the said Island, by Writing under their Hands and Seals

ISLAND OF ANTIGUA.

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No. 478.

A. D. 1791.

Seals, and filed in the Secretary's Office of the said Island, to appoint a Constable in the room of him so dying, or removing from the Division aforesaid; which Constable, so appointed, shall take the said Oath, and be obliged to serve until the next ensuing Sessions of the Peace.

who shall take Oath in S. 2. and serve till following Sessions.

IV. And be it enacted by the Authority aforesaid, That if any Constable shall remove from the Division to which he is or shall be appointed; then such Constable shall, within five Days after such Removal, give Notice of the same unto some Magistrate in such Division, or if there shall be no Magistrate in such Division, then to a Magistrate in the next Division, under the Penalty of ten Pounds, Gold and Silver Money of the said Island, to be recovered by Information in any Court of Record in the said Island, to the Use of His Majesty, His Heirs and Successors.

Constable removing, to give in five Days, under Penalty of 10^l. Notice to Magistrate of Division left; if none there, to Magistrate of next Division.

Dated at *Antigua*, the fourteenth Day of *October*, in the Year of our Lord one thousand seven hundred and ninety-one, and in the thirty-first Year of the Reign of our Sovereign Lord *GEORGE* the Third, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, and so forth.

THOMAS FREEMAN, *Speaker*.

Passed the Assembly, the fourteenth Day of *April*, one thousand seven hundred and ninety-one.

Passed the Council, the thirteenth Day of *October*, one thousand seven hundred and ninety-one.

ANTHONY BROWNE,
Clerk of the Assembly.

By Command,

WILLIAM MATHEWS,
Deputy Secretary.

Passed his Honor, this fourteenth Day of *October*, one thousand seven hundred and ninety-one.

JOHN L. S. **NUGENT.**

Published, this fourteenth Day of *October*, one thousand seven hundred and ninety-one.

ROBERT CLOGSTOUN, *Dep. Pro. Marshal.*

An

32d GEO. III.

Nis. 479—483.

A. D. 1791.

No. 479. *An Act for the Ease and Relief of Debtors when imprisoned for small Debts.*

EXPIRED.

Dated 14th November, 1791.

No. 480. *An Act for vesting the Houses, Messuages, and Slaves of Jacob Shepherd, a Lunatic, situate and being in the Parish of St. John, in the said Island of Antigua, in Trustees to be sold; and for laying out the Monies arising by such Sale as is therein directed.*

PRIVATE.

Dated 20th April, 1791.

No. 481. *An Act for providing an additional Support and convenient Habitation for the Reception and Residence of his Excellency William Woodley, Esquire, during his actual Residence within his Government of these His Majesty's Leeward Caribbee Islands; and for appointing particular Funds for the Payment thereof.*

OBSOLETE.

Dated 31st December, 1791.

No. 482. *An Act to regulate the Guage of Madeira Wine, and Wines of the Growth of the Western Islands.*

EXPIRED.

Dated 8th May, 1792.

No. 483. *An Act for altering and amending the second Clause of an Act, intituled, An Act for increasing the Number of White Inhabitants on this Island, made and passed*

AMENDED by
Act of 15th
Dec. 1801,
(No. 558.)

on

32d GEO. III.

No. 483.

A. D. 1792.

on the eleventh Day of February, one thousand seven hundred and forty-one; and for altering and amending the tenth Clause of an Act, intituled, An Act supplementary to an Act, intituled, An Act for encouraging the Importation of White Servants to this Island, dated the eleventh Day of July, in the Year of our Lord one thousand seven hundred and sixteen, and in the second Year of the Reign of our late Sovereign Lord George, by the Grace of God of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth; and also, to another Act, intituled, An Act for increasing the Number of White Inhabitants in this Island, dated the eleventh Day of February, in the fourteenth Year of the Reign of His present Majesty, and in the Year of our Lord one thousand seven hundred and forty; made and passed on the twenty-fifth Day of April, one thousand seven hundred and fifty-five.

WHEREAS by the second Clause of an Act, intituled, *An Act for increasing the Number of White Inhabitants of this Island*, made and passed on the eleventh Day of *February*, one thousand seven hundred and forty-one, it is enacted, that every Owner, Renter, or Possessor of Slaves in this Island, or the Islands adjacent or thereunto belonging, shall, for every thirty Slaves, he, she, or they shall own or possess, keep and maintain in his, her, or their constant and daily Service and Employ one able White Man; and all Persons, whatsoever, that shall not have their Complement or Number, of White Men, according to such Proportion, within one Year after the twenty-fifth Day of *February* next ensuing the Date of that Act,—or who at any Time thereafter, should want any of his or her Number of Servants thereby required,—should pay into the Public Treasury twenty Pounds, Money of this Island, for each Year, and so in Proportion for any Time less than one Year,—if such lesser Time exceed thirty Days, else nothing to be paid for such lesser Time,—on or before the first day of *June* in every Year, during Continuance of that Act, or

RECITAL.

No. 194, S. 2.

• 32d GEO. III.

No. 483.

A. D. 1792.

RECITAL.
No. 206, S.

until they should have complied therewith, for every White Servant that should be found wanting to make up the Number that such Person or Persons ought to have: unless, such Person or Persons having already supplied their full Number, one or more of the said Servants being an indentured Servant should die or run-away; in which Case, he, she, or they should not be obliged to find any in the room of such as should be dead or run-away, unless such Running-away be caused by Ill-usage or Connivance of the Master, until half as much Time should be elapsed, as the Servant, so dead or running-away had to serve, at the Time of such Death or Running-away, according to the Indenture of such Servant; such Time to be made appear, by producing the Indenture, or the Oath of the Master or Mistress to be taken before the Treasurer of *Antigua* for the time being; and if the Indenture shall be lost, and so sworn to be, the Proof of the Time should be, by the Oath only of the Master or Mistress to be taken as aforesaid: And no Soldier in His Majesty's Pay, nor any Person whatsoever that is not able to carry Arms in the Militia, unless such Inability shall happen in the Time of his Servitude or Tenancy of Five Acres as there-after mentioned,—should be accounted or deemed a Servant, within the meaning of that Act:—And whereas by the tenth Clause of an Act, intituled, *An Act supplementary to An Act, intituled, an Act for encouraging the Importation of White Servants to this Island, dated the eleventh Day of July, in the Year of our Lord one thousand seven hundred and sixteen, and in the second Year of the Reign of our late Sovereign Lord George, by the Grace of God of Great Britain, France and Ireland, King, Defender of the Faith, and so forth; and also, to another Act, intituled, An Act for increasing the Number of White Inhabitants in this Island, dated the eleventh Day of February, in the fourteenth Year of the Reign of His present Majesty, and in the Year of our Lord one thousand seven hundred and forty; made and passed on the twenty-fifth Day of April, one thousand seven hundred and fifty-five; after reciting the said above-recited second Clause of the said Act first mentioned; and further reciting that the said Sum of twenty Pounds so imposed, by virtue of such Act, for every White Servant that should be wanting as aforesaid, was not adequate to the Expenses of feeding and clothing and otherwise providing for a White Servant, so that many Persons submitted to the Payment of the said twenty Pounds, rather than be at the Expense of a White Servant, by which Means the Intention of the said Act was entirely eluded: For remedying thereof, it was thereby further enacted by the Authority aforesaid; that, from and after the twenty-fifth*

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No. 483.

A. D. 1792.

fifth Day of *May* then next ensuing, instead of the said twenty Pounds, so directed to be paid by such Act, there should be paid the Sum of forty Pounds, current Money of this Island, and so in Proportion for any Time less than a Year, as by such Act is directed and appointed touching the said twenty Pounds thereby made payable; which said Sum of forty Pounds should be raised, levied, and paid, laid out, and disposed of at such Time, and in such Manner, as is directed, by such Act, touching the said twenty Pounds:—

And whereas the said second Clause of the said first recited Act, regulating that, for every thirty Slaves, an able-bodied White Man was to be kept,—as also the said tenth Clause of the said second recited Act, altering the said Penalty of twenty Pounds, and changing the same to forty Pounds, at which the same now stands,—have been found by no Means to answer the End for which the said Laws were passed; and it is expedient that the same be altered and amended; we, therefore, your Majesty's most dutiful and loyal Subjects, the Council and Assembly of this your Majesty's Island, *Antigua*, humbly pray your most sacred Majesty, that it may be, and be it, and it is hereby enacted by the Authority aforesaid, That from and after the twenty-fifth Day of *May* next after the Passing and Publication of this Act, *instead of any Owner, Renter, or Possessor of Slaves within this Island, and the Islands adjacent and thereto belonging, keeping or maintaining one able-bodied White Man for every thirty Slaves, he, she, or they shall own or possess:* such Owners, Renters, or Possessors of Slaves within this Island, or the Islands adjacent or thereunto belonging, shall keep and maintain, for EVERY FORTY SLAVES, ONE ABLE-BODIED WHITE MAN, of the Description mentioned and intended by the said recited Acts, or mentioned and intended by any other Acts, made and passed in this Island, respecting the Increase and Encouragement of White Servants.

II. And be it enacted by the Authority aforesaid, That, from and after the *twenty-fifth Day of May* next after the Passing and Publication of this Act, *instead of the said Sum of forty Pounds, directed and appointed to be paid by the said recited tenth Clause of the said second recited Act,* there shall be paid the Sum of FIFTY-THREE POUNDS SIX SHILLINGS, AND EIGHT PENCE, ANNUALLY, FOR SUCH DEFICIENCY OF FINDING A SERVANT, OR TENANT, OR OTHER PERSON, WITHIN THE MEANING OF THE ACTS OF THIS ISLAND RELATING TO WHITE SERVANTS, and so in Proportion for less than a Year, in the same Manner as the said forty Pounds was made liable; and which said Sum of fifty-three Pounds, six Shillings, and eight

S 2

Pence

RECITAL.
No. 194, S. 2.
and No. 206,
S. 10. require
Amendment.

Act

Owner, &c.
for every
FORTY
Slaves, to
keep ONE
able-bodied
White Man;
of Descrip-
tion in Nos.
194, 206, &c.

By No. 558,
S. 1. Time of
Accounting
25th Jan. an-
nually.

Owner not
finding White
Servant, to
pay 53l. 6s.
8d. for a
Year; for
Part of a Year,
in Proportion,
as in (No. 206,
S. 10.) No.
194, S. 2.

Recovery as in
No.

• • 32d GEO. III.

Nis. 483, 484.

A. D. 1792.

No. 194, S.
5. 6. 7.*Application as*
in No. 194,
S. 9.

Pence shall be raised, levied, paid, laid out, and disposed of at such Time, and in such Manner and Form, as the same is directed by both or either of the said recited Acts.

Dated at *Antigua*, the eighth Day of *May*, in the Year of our Lord one thousand seven hundred and ninety-two, and in the thirty-second Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, and so forth.

THOMAS FREEMAN, *Speaker*.

Passed the Assembly, this sixteenth Day of *February*, one thousand seven hundred and ninety-two.

Passed the Council, this twenty-sixth Day of *April*, one thousand seven hundred and ninety-two.

ANTHONY BROWN,
Clerk of the Assembly.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

WILLIAM (L.S.) WOODLEY.

ANTIGUA. Published, this twenty-first Day of *May*, one thousand seven hundred and ninety-two.

ROBERT CLOGSTOUN, *Dep. Pro. Marshal.*

No. 484.
CONTINUED
by Act of 28.
Feb. 1798,
(No. 526.)

An Act for repealing certain Clauses in an Act of this Island, entituled, An Act for regulating the Towns and Harbours, settling of Markets, and encouraging Wharfs in this Island, and to prevent Abuses in the Fishery about the same; and for amending the said Act.

PREAMBLE.

WHEREAS certain Clauses in an Act of this Island, *Antigua*, intitled, *An Act for regulating the Towns and Harbours, settling of Markets,*

33d GEO. III.

No. 484.

A. D. 1792.

kets, and encouraging Wharfs in this Island, and to prevent Abuses in the Fishery about the same, dated at Saint John's the eight and twentieth Day of June, one thousand seven hundred and two, have been found inconvenient, and ineffectual to accomplish the Purposes thereby intended; we, therefore, Your Majesty's loyal and obedient Subjects, the Governor and Commander in Chief of Your Majesty's Leeward Caribbee Islands in America, and the Council and Assembly of Your Majesty's Island, Antigua, do humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That upon and immediately after the Publication of this Act, the seventeenth, the eighteenth, nineteenth, twentieth, and twenty-first Sections or Clauses of the said Act, intituled, An Act for regulating the Towns and Harbours, settling of Markets, and encouraging Wharfs in this Island, and to prevent Abuses in the Fishery about the same, shall be, and the same are hereby repealed and made void; any Thing in the said Act contained to the contrary thereof notwithstanding.

Certain Clauses of No. 126, inefficient.

ACT.
17th, 18th,
19th, 20th,
21st Clauses of
No. 126, repealed.

II. And be it, and it is hereby further enacted and ordained by the Authority aforesaid, That it shall and may be lawful to and for the present *Clerk of the Market*, and his Successors in the said Office from time to time, to build or erect a proper and convenient Market-house, in such Part or Parts of the said Town of Saint John, as the Governor and Commander in Chief of His Majesty's *Leeward Caribbee Islands in America*, or the Commander in Chief of the said Islands for the time being, and the Council and Assembly of this Island, *Antigua*, shall, upon the Petition of the said Clerk of the Market or his Successors, think proper; so as the Land upon which such Market-house is to be erected, be not the Property of, or belonging to any private Person.

Clerk of Market, under Direction of Commander in Chief of L. I. &c. to build Market-house.

Scite not to be private Property.

III. And be it also enacted and ordained by the Authority aforesaid, That the said *Clerk of the Market* or some Person or Persons by him properly authorized and appointed, and for whose Conduct the said *Clerk of the Market* shall be responsible, shall attend at the said Market-house, on every Day in the Week, from the Hour of six of the Clock in the Forenoon, until the Hour of eleven of the Clock in the Forenoon of each Day,—to weigh any Meat, or Fish, or Flesh, which shall be brought to the said Market for Sale; and, if required, to deliver unto the Person who shall bring such Meat, or Fish, or Flesh, a Note in Writing, signifying the Weight thereof, and the Price for which the same was sold or agreed to be sold: and the said *Clerk of the Market* shall be entitled to demand and receive for

Clerk of Market to attend Market-house, daily, from six A. M. to eleven A. M. to weigh Meat, &c. brought for Sale; and give Minute of Price, &c.

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for his Trouble, the Fees or Sums of Money following, that is to say,

Clerk of Market's Fees.

For every Ox, Cow, or Heifer, brought to the said Market-house, and actually sold therein, the Sum of three Shillings, and so in Proportion, as near as may be, for a Quarter or other less Part thereof; for every Goat or Sheep brought to the said Market-house, and actually sold therein, the Sum of one Shilling, and so in Proportion for a lesser Part; for every six Pounds of Turtle, or Fish, the Sum of one Penny and one Halfpenny, and no more.

No Meat, Fish, or Flesh, to be sold in, or within a Mile of Saint John's Town, elsewhere than in MARKET-HOUSE, or in some Dwelling-house on Plantation.

White Person offending to forfeit 5*l*.

In Default of Distress, Imprisonment seven Days *max.* two Days *min.*

Slave offending against Act, to be whipped.—
See Act of 28. Feb. 1798, (No. 527.)

By Act of 8th Oct. 1803, (No. 577) S. 1. maximum Prices are appointed for Fish; so that the Authority in Clause can extend only to Flesh.

IV. And be it also enacted and ordained by the Authority aforesaid, That no Meat, Flesh, or Fish, shall be sold or offered for Sale, in any Part of the said Town of *Saint John*, or in any Place within one Mile thereof, except such Place be the Dwelling-house of the Proprietor, Manager, or Overseer of a Plantation, or some Inhabitant thereon, —but only in the said MARKET-HOUSE; and any White or Free Person or Persons, offending against this Act, shall, upon Conviction thereof, before any one of His Majesty's Justices of the Peace for this Island, for every such Offence, forfeit and pay the Sum of Five Pounds, to be levied, by Distress and Sale of such Offender' or Offender's Goods and Chattels, by virtue of a Warrant under the Hand and Seal of the Justice before whom he, she, or they was or were convicted, directed to any Constable of the said Town of *Saint John*, together with the reasonable Costs and Charges of such Levy and Sale to be allowed by the said Justice; and in Default of a sufficient Distress and Sale, such Offender or Offenders shall be committed, by such Justice, to the common Jail of this Island, for any Time not exceeding seven Days nor less than two Days.

V. And be it also enacted and ordained by the Authority aforesaid, That if any Slave shall be convicted of any Offence against this Act, such Offender shall be whipped, by the Order of any *Justice of the Peace* for this Island, so as such Whipping or Punishment be not less than twenty, nor exceed thirty-nine Lashes.

VI. And be it also enacted and ordained by the Authority aforesaid, That it shall and may be lawful to and for the Justices of any Court of *King's Bench and Grand Sessions of the Peace*, to be holden for this Island, from time to time to regulate and settle the Price or Prices, at which any Kind of [*Fish or*] Flesh shall be sold, in any Part of this Island, and from time to time to alter, amend, or totally discontinue such Rates or Prices, as the said Justices in their Discretion shall think proper; such Rates or Prices to be published in one or more of the public Newspapers of this Island: and if any Person

or

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or Persons shall, at any Time after the Expiration of twenty Days next after the Day upon which such Order, Rates, or Prices shall have been made or settled, demand any greater Price or Rate than allowed by the said Court of King's Bench and Grand Sessions; such Offender or Offenders shall be subject and liable, to the same Forfeiture or Punishment as is herein-before provided for Persons selling Meat, Flesh, or Fish in any other Place than the Market House in the Town of *Saint John*; such Forfeiture or Punishment to be recovered or inflicted in the same Manner as is herein-before mentioned.

VII. Provided always, That Nothing herein-before contained shall extend, or be construed to extend, to prevent any free Inhabitant of the said Town of *Saint John*, from selling or exposing to Sale, in their Dwelling-Houses, Yards, or Shambles, any Oxen, Cows, or Calves slaughtered by such Inhabitants, or for their Account, or to prevent any Person from agreeing with any other Person, for the immediate Sale of any Meat, Flesh, or other Victuals directly, without first hawking or exposing the same for public Sale, nor to prevent any Meat, Fish, or other Victuals which have not been sold in the said Market-house, before the Hour of eleven of the Clock in the Forenoon, from being afterwards exposed to Sale, as if this Act had not been made.

Act not to
prevent Sales
in Clause.

VIII. And be it also enacted and ordained by the Authority aforesaid, That this Act shall continue in Force *twelve Calendar Months*, from and after the Publication thereof, and, from thence, to the next Meeting of the Council and Assembly of this Island.

Revised by
No. 526.

Dated at *Antigua*, this fourteenth Day of *December*, in the Year of our Lord one thousand seven hundred and ninety-two, and in the thirty-third Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, and so forth.

PHILIP HICKS, *Speaker*, pro tempore.

Passed the Assembly, this thirteenth Day of *December*, one thousand seven hundred and ninety-two.

Passed the Council, this thirteenth Day of *December*, one thousand seven hundred and ninety-two. By Command,

ANTHONY BROWN,
Clerk of the Assembly.

WILLIAM MATHEWS,
Deputy Secretary.

WILLIAM (L. S.) WOODLEY.

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Nis. 484, 485.

A. D. 1792.

Published this fourteenth Day of *December*, one thousand seven hundred and ninety-two.

ROBERT CLOGSTOUN, *Dep. Pro. Marshal.*

No. 485.

ENLARGED,
to include Offi-
cers, Gunners,
and Matrosses

in Forts and
Batteries, by

No. 495;

AMENDED by

No. 511;

REPEALED

IN PART by

No. 545;

AMENDED by

No. 560;

CONTINUED

by No. 574.

See also No.

528 and No.

575.

Militia to be
formed into
one Squadron
of

An Act to alter, revive, and amend an Act, intituled, An Act to alter and amend an Act, intituled, An Act for regulating the Militia of this Island, and for the further Regulation of the said Militia, and fixing and appointing the Times when Martial Law shall be in force in this Island, and declaring and establishing Rules and Articles of War for the better Government of the said Militia at those Times.

WHEREAS an Act now in force, dated the twenty-eighth Day of June, in the Year of our Lord one thousand seven hundred and two, and intituled, *An Act for regulating the Militia of this Island*, is in many respects so defective and in some others so inconvenient, that without a Law to alter and amend the same, and to supply the Defects thereof, an exact and regular Discipline of our Militia cannot be introduced and kept up, or transient Persons, when amongst us, be rendered so serviceable as they might be, in the Preservation and Defence of this Island: And whereas from our Vicinity to the *French Islands*, we are obliged from Motives of Honour and Interest to put ourselves in the best State of Defence of which we are capable, and in Order thereto, it is absolutely necessary that our Militia should be kept under the best Discipline our Circumstances will admit of; as Nothing, next under the Providence of God, can so, effectually, contribute to our Safety as constant and regular Discipline; We, Your Majesty's most loyal and obedient Subjects, the Governor in Chief of Your Majesty's *Leeward Caribbee Islands in America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority of the

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the same, That our Militia henceforward shall be under the following Regulations, that is to say, Our Troops shall be entirely formed into one Squadron of Light Dragoons, who may serve both on Foot and Horseback; two Regiments, and one Independent Company of Foot; and one Battalion of Artillery; and into no other Species of Troops whatever; every Man from the Age of fourteen to sixty-five (except as herein-after excepted) shall serve in one or the other, unless Matrosses and such others who are employed on the Forts.

II. And be it enacted and ordained by the Authority aforesaid, That every Man residing on this Island, or the Islands adjacent and thereto belonging, at the Publication of this Law, or who may thereafter arrive hereon, shall, and is hereby declared, unless otherwise appointed, to belong to that Corps of FOOT MILITIA within the Verge of which he shall then happen to reside: And as it is intended that none shall serve in the DRAGOONS but such as are entirely to be depended upon, they shall, from time to time, be named by the Commander-in-Chief of the Island for the time being, by and with the Consent and Advice of the Council. Provided always, that not more than one Dragoon be appointed from any one Plantation, and that the whole Squadron on the Island be *never less than sixty, or more than one hundred and eight* effective Non-commissioned-officers and Private-men, both included; and whenever it shall so happen either by Death, Absence from the Island, or otherwise, that the Squadron on the Island be less than one hundred and eight effective Non-commissioned-officers and Private-men as aforesaid, it shall and may be lawful for the Commanding or other Officer of the Squadron, to recommend to the Commander-in-Chief and Council as aforesaid, such Men as may be proper to do Duty in that Corps. Provided always, That such Officer shall give Notice to the Colonel or Commanding-officer of the Corps to which the Men so recommended shall belong, ten Days before the Meeting of the Council to which they shall be recommended, that such Colonel or Commanding-officer may attend to make any Objections he may have to such Recommendation. And provided also, That no Man whatever shall be appointed to the Dragoons without his own Consent,—and, after being once appointed to the Dragoons, shall, without the Consent of the Colonel or other Commanding-officer thereof, be at Liberty to remove himself (UNLESS promoted to be a Commissioned-officer, and having received a Commission, or Order in Writing from the Commander-in-Chief

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T

of

of Dragoons; two Regiments and one Company of Foot; one Battalion of Artillery:— Every Man from 14 to 65, to serve, except as in S. 38, and except Matrosses, &c.

Every Man belongs to Corps of FOOT MILITIA in Verge where resident, unless otherwise appointed.

DRAGOONS to be named by Commander-in-Chief of Antigua and Council.

Not more than one Dragoon from one Plantation.

By No. 560, S. 1. the maximum Strength is fixed at 100, and Limitation as to the minimum removed.

Mode of filling Vacancies

No Dragoon to be appointed without his own Consent; —when appointed, not at Liberty to remove to another Corps: Exception:

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and may be
fined under
S. 9. though
doing Duty in
another
Corps.

But if une-
qual to Ex-
pense of Dra-
goon, and able
to do Duty in
Foot,

may, on Ap-
plication, or
without, be
discharged,
(Majority of
Officers con-
curring) by
Commanding
Officer.

in order to do
Duty in Foot.

Adjutant of
Dragoons to
give Notice of
Discharge to
Adjutants of
Foot.

Penalty on
Neglect.

ARTILLERY
to consist of
seventy-two
Men; to be
formed and
kept up by
Draughts
from Foot
Militia.

of the *Leeward* Islands for the time being, to act as a Commissioned-officer) to any other Corps of Militia, under Pain of being fined as directed by Law for each Non-attendance in the Squadron of Dragoons, although such Man may do Duty in any other Corps. Provided always, and it is hereby declared, That if any Person or Persons who may have been before, or shall hereafter be appointed to do Duty in the Dragoons as aforesaid, shall be unable from Accident, Misfortunes, or otherwise, to do Duty on Horseback, or to support the Expense of appearing properly mounted, cloathed, and accoutred for that Corps,—and, at the same Time, shall be able to appear and do Duty in the Foot Militia; such Person or Persons, on his or their Application to the Commanding-officer of the Dragoons, shall be, by a proper Discharge, under the Hand and Seal of such Commanding-officer, forthwith discharged from that Corps. And every Person so disabled as aforesaid, who shall by reason thereof, avoid doing Duty in the Dragoons, and who being able to do Duty in the Foot Militia, shall neglect to apply within a reasonable Time, for his Discharge from the Dragoons as aforesaid, it shall and may be lawful for the Commanding-officer of that Corps, by and with the Advice and Consent of the Majority of the other Officers thereof, being on the Island, to discharge every such disabled Person in manner aforesaid; and every Person so discharged shall, from the Date of such Discharge, belong to and do Duty in that Corps of Foot Militia, in the Verge of which he shall at that Time reside: and the Adjutant of Dragoons is hereby required to give immediate Notice in Writing, of every such Discharge, to the Adjutants of the respective Corps of Foot Militia, in the Verges of which such discharged Persons shall reside at the Time of their Discharge, that their Names may be inserted forthwith in the Rolls of those Corps, and any Adjutant of Dragoons, who shall neglect to give Notice of the Discharges to the other Adjutants as above-mentioned, shall be tried for such Neglect by a Court Martial, and being thereof convicted by the Opinion of the Court, shall be fined according to the Nature of his Offence.

III. And be it enacted and ordained by the Authority aforesaid, That the Battalion of ARTILLERY, which shall consist of seventy-two Men, shall be formed and kept up by Draughts out of the Corps of Foot Militia, from time to time, as may be necessary, which Draughts shall always be such Men as are fittest for that Service, and shall never be made but by a Warrant or Order in Writing

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Writing from the Captain-General, or other Person commanding on this Island, directed to the Colonel or Colonels, or other Commanding-officers of the Corps from which the Draughts are to be made, in which Warrant or Order shall be particularly specified the Names of each Man so to be draughted; and the said Colonel or Colonels or other Commanding-officers are hereby required to pay due Obedience thereto, and to take Care, as far as may be in their Power, that the same be carried into Execution. Provided always, That the Colonel, or Commanding-officer of the Corps from which the Draughts are to be made, shall, and is hereby declared, always to have full Liberty to object or remonstrate against any or all such Draughts being made; and if such Objection or Remonstrance shall, in the Opinion of the Person who shall have given the Warrant or Order for the Draughts being made, be thought reasonable and proper,—no more of the said Draughts, than he shall judge necessary, shall be then made. Provided also, That no Man shall be ever removed from the Corps of Foot Militia to the Artillery without his own Consent, any Thing in this Law to the contrary notwithstanding; and that no Private-man, after being once enrolled in the Artillery, shall without Leave of the Colonel or other Commanding-officer thereof, be at Liberty to remove himself to any Corps of Foot Militia, under Pain of being fined, as directed by this Law, for his Non-attendance in the Artillery, although such Man may do Duty in such Corps of Foot Militia.

IV. And whereas there are many Free Negroes and Mulattoes, and other Persons not being White Persons, who are not Incorporated in any of the Corps of Militia in this Island, but who ought nevertheless to join in the Public Defence; be it therefore enacted and ordained by the Authority aforesaid, That the Commander-in-Chief of this Island for the time being, shall have full Power and Authority,—upon Application made to him, by the Colonels or Commanding-officers of the Train of Artillery, and other Corps of Militia, by Warrant, under the Hand and Seal of the said Commander-in-Chief, to appoint as many of the said Free Negroes, Mulattoes, and other Persons not being Whites, as shall be thought necessary,—for the Under-services of the Artillery, and as Pioneers to the other Corps of Militia: which said Free Negroes, Mulattoes, and other Persons not being Whites, shall after due Information of such Appointment, be subject to the same Fines and Penalties of this Law as the Private-men of the Regiments of Foot.

Draughts to be only by Order, of resident Chief Commander, to Colonel.

Commanding Officer of Corps may remonstrate against Draughts.

No Man to be removed to Artillery without his Consent: when enrolled, cannot, without Leave of Commander, remove to another Corps.

Resident Commander-in-Chief may appoint Free Negroes, Mulattoes, &c. to Under-services of Artillery, and as Pioneers to Militia.

Subject to Fines, &c. as Privates of Foot.

Officers and Privates, not superannuated, but incapable of Duty, may petition General, Council and Assembly for Discharge.

Council and Assembly may,—with General, or without him in his Absence,—order Petitioner's Discharge, on Back of Petition.

Discharge not to take effect till shewn to Adjutant.

Men so discharged to repair to Forts on Alarms.

Regulations for Cloathing, Colours, &c. to be made by Council of War.

See Proceedings of Council of War annexed.

Penalty for Non-compliance with Regulations as in S. 9.

V. Provided always, and it is hereby enacted and ordained by the Authority aforesaid, That if any Officer or Private-man, (not being superannuated within the Meaning and Regulations of this Act,) who, by Wounds, Sickness, or other Causes, shall become non-effective, and incapable of ever doing Duty in any of the Corps of Militia, and who being desirous of being discharged therefrom, shall present a Petition to the General, Council and Assembly of this Island, or, in the Absence of the General, to the Council and Assembly thereof,—setting-forth, and, if thereto required, proving the Incapacity and Disability of such Officer or Private-man, and praying to be discharged from further Service in the Militia,—it shall and may be lawful for the General, Council, and Assembly; or in the Absence of the General, if the said Council and Assembly concur therein; for *them*, by their usual Form of Order in Writing, on the Back of such Petition, to discharge such Petitioner from all further Services in the Militia; and such Person is hereby declared to be discharged and free thereon; any Thing in this Act to the contrary notwithstanding: Provided also and nevertheless, That such Discharge shall not be considered or deemed to take Effect, until such discharged Officer or Man shall produce, to the Adjutant of the Corps to which he did belong, the said Petition, with the Order thereon as aforesaid; and as such discharged Officers and Men may, notwithstanding their Incapability to do Duty in the Militia, be of some Service in the Forts, be it further enacted, That all Officers and Private-men discharged from the Militia as aforesaid, shall, on all Alarms, repair to the Forts nearest their respective Habitations, and there remain, during the Time of Alarms, subject to the Orders and Directions of the Officers commanding in such Forts.

VI. And be it enacted and ordained by the Authority aforesaid, That all Regulations for the Cloathing, Colours, Arms and Accoutrements; with the Places of Parade and Rendezvous; and the Establishment of Officers for each Corps of Militia; and the Extent of the Verge or District of each Corps of Foot; shall be made and appointed by a Council of War, within one Month after the Publication of this Law, and so from time to time, as may be found necessary, and shall be of equal Duration therewith, and as good and effectual as if particularly laid down and described herein: and whoever refuses or neglects to comply with the said Regulations and Orders of the Council of War, after the same have been duly read and published at the Head of each Corps of Militia, shall be fined as herein-after directed. Provided always, That the Firelocks, Bayonets,

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onets and Cartouch Boxes, to be ordered by the Council of War as aforesaid; be those which are by Law directed to be purchased from the Treasurer, or others of equal Size and Quality.

*By No. 545,
S. 10. Fire-
locks, &c. may
be altered by
Council of
War.*

VII. And be it enacted and ordained by the Authority aforesaid, That the *ordinary* MEETING TO EXERCISE, shall be once in every Month for every Corps, on such Days as shall be appointed by the Council of War aforesaid; and that the Roll of each Troop or Company, be called at nine o'Clock in the Morning; and that whoever appears not at the Place of Parade at that Hour,—or comes there, not cloathed, armed or accoutred, as may be ordered by a Council of War, as aforesaid,—shall be fined as herein-after directed: AND THE EXERCISE AND EVOLUTIONS OF EACH CORPS, on such Days, shall be at the Discretion and by the Direction of the Colonel, or other Commanding-officer thereof, being in the Field. Provided always, That no Corps be kept in the Field on such monthly Meetings, beyond twelve o'Clock at Noon at farthest.

*Meetings for
Exercise to be
monthly.*

*[See annexed
Proceedings,
S. 8.]*

*Rolls called at
nine o'Clock.*

*Penalty for
late or impro-
per appear-
ance, as in S.
9.*

*Exercise, &c.
as directed by
Commanding
Officer.*

*Corps not
kept in the
Field after
twelve at
Noon.*

VIII. And whereas some Doubts have heretofore arisen, whether such Persons as appear,—on monthly Field-days, or at other Times when legally required,—to do Military Duty, not armed, cloathed, and accoutred according to Law; or who come to the Place of Parade, on monthly Field-days, after nine o'Clock in the Morning; and being fined for either or both of their said Defaults; are compellable to remain in the Field and do Duty on that Day, or are at Liberty to depart therefrom, and not to join the Corps under Arms: to obviate the said Doubts in future; be it, and it is hereby enacted and ordained by the Authority aforesaid, That every Officer, Non-commissioned-officer or Private-man who shall appear,—on monthly Field-days, or at any other Time when legally required,—to do Military Duty, not armed, cloathed, or accoutred as may be directed by a Council of War as aforesaid, or who shall come to the Place of Parade, on any monthly Field-day of the Corps he belongs to, after nine o'Clock in the Morning,—or beyond the Time appointed, when otherwise legally required to do Military Duty,—shall join his Corps or Party; and do the same Duty as shall be thereby done after his having so joined it; notwithstanding such Officer, Non-commissioned-officer, or Private-man may have incurred the Fine for not attending properly armed, cloathed or accoutred, or for not coming in due Time as required by this Act: and every Officer, Non-com-

*Officer, Non-
commissioned
Officer, or
Private, com-
ing late, or
improperly
accoutred, to
Parade,—to
join Corps
and do Duty,
though fined.*

Disobeying
Order to join
Corps, to be
punished by
Court Mar-
tial.

If Party join;
Commanding
Officer, re-
ceiving satis-
factory Ex-
cuse, may re-
mit Fine.

FINES for
ABSENCE, on
Field-days, or
for not appear-
ing in time, or
appearing ir-
regularly ac-
counted.

By No. 545,
S. 9. these
Fines are
DOUBLED,
except the last.

missioned-officer, or Private-man, who shall appear not properly armed, cloathed or accoutred, or who shall come to the Place of Parade, on monthly Field-days after nine o'Clock in the Morning, or beyond the appointed Time when required to do Duty as aforesaid, and who,—being ordered, by the Commanding-officer in the Field, or of the Party, to join the Corps or Party, and do the Duty that shall be thereby done,—shall refuse to obey such Order; such Officer, Non-commissioned-officer, or Private-man, shall be punished for his said Offence, at the Discretion and by the Sentence of a Court Martial. Provided always, and it is the Meaning of this Act, That the Commanding-officer in the Field or of the Party on Duty, and no other Person whatever, shall have, and is hereby declared to have full Power and Authority, upon Application to him made, to remit the Fine of any Officer, Non-commissioned-officer, or Private-man, who shall appear not armed, cloathed, or accoutred as aforesaid; or who shall come, on monthly Field-days, to the Place of Parade, after nine o'Clock; or who shall come after the Time appointed, when otherwise legally required to do Military Duty, and then join his Corps or Party as aforesaid; if such Officer, Non-commissioned-officer, or Private-man shall give such Reasons, for his improper or late Appearance as aforesaid, as shall be satisfactory and admissible in the Opinion of the said Commanding-officer.

IX. And be it enacted and ordained by the Authority aforesaid, That the Fines for *Absence*; or for *not appearing at the Place of Parade till after nine o'Clock in the Morning*, on monthly Field-days, or for *appearing* on monthly Field-days, and at any other Time when legally required to do Military Duty and at all Alarms,—(Provided always, such Fines and Penalties imposed by this Clause, shall not extend or be construed to extend to compel any Strangers, who accidentally happen to be in the said Island at the Time of the Alarms, to appear accoutred or in Uniforms as is herein-before mentioned, any Thing therein contained to the contrary thereof notwithstanding,)—*not armed, cloathed and accoutred as may be directed by a Council of War* as aforesaid, shall be as follows, that is to say,

A COLONEL of a Corps, shall pay seven Pounds four Shillings, current Gold and Silver Money;

A LIEUTENANT COLONEL, six Pounds twelve Shillings, like Money;

A MAJOR, six Pounds, like Money;

A CAPTAIN, five Pounds eight Shillings, like Money;

A LIEUTENANT, four Pounds sixteen Shillings, like Money;

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A CORNET, or ENSIGN, and SURGEON, each *four Pounds four Shillings*, like Money;

A SERJEANT OF DRAGOONS, *two Pounds two Shillings*, like Money, and, OF THE FOOT, *one Pound ten Shillings*;

A CORPORAL OF DRAGOONS, *one Pound sixteen Shillings*, and, OF THE FOOT, *eighteen Shillings*, like Money;

A TRUMPETER, *one Pound thirteen Shillings*, like Money;

A PRIVATE DRAGOON, *one Pound ten Shillings*; and

A PRIVATE-MAN IN THE REGIMENTS AND COMPANIES OF FOOT, *twelve Shillings*, and, BATTALION OF ARTILLERY, *twenty-four Shillings*, like Money.—[By No. 545, S. 9. are imposed four additional Fines; SERJEANT OF ARTILLERY, 3*l.* 0*s.*; CORPORAL, 1*l.* 16*s.*; NON-COMMISSIONED-OFFICER OF PIONEERS, 1*l.* 4*s.*; PIONEER, 12*s.*]

Fine for ARTILLERY-MAN unaltered.

All which said Fines shall be raised, levied, and collected in MANNER, and for the USES *herein-after mentioned*. [See Act No. 545, S. 2. 3. 4. 5. 6. 7. and 8. as to the Manner; and S. 4. of that Act, with S. 30. of this, as to the Uses.] Provided always, That, if the Captain General of the *Leeward* Islands should be pleased to honour any particular Corps of Militia, by taking upon himself the Command of it as Colonel thereof, that his Excellency shall be totally exempt from Attendance on the monthly Field-days of such Corps, and at all other Times when he shall not chuse to attend; and from all Fines and Penalties for Non-attendance; any Thing in this Law to the contrary notwithstanding.

Captain General condescending to be Colonel of Militia, exempted from Fines.

X. And whereas some Men,—to avoid Appearing under Arms, and doing their Duty on Field-days, without incurring their Fines,—do no scruple to make frivolous and false Excuses for their Non-appearance, and to pretend Sickness and Incapacity, when they are well able to join their respective Corps; and which it is impossible to discover at the Time; be it therefore enacted by the Authority aforesaid, That, from and after the Publication of this Act, no Excuse whatever for Non-attendance on Field-days, shall be admitted or allowed from any Officer or Private-man, so as to exempt him from Payment of the Fines by this Law respectively imposed on him for Non-attendance as aforesaid, but such as shall certify the Incapacity, from bodily Infirmary, of such Officer, or Private-man of Appearing under Arms on their respective Field-days; which Certificate shall be in Writing, and shall be sworn-to, by such Officer or Private-man, or any credible White Person, before any Justice of the Peace for this Island; (who is hereby required to administer the Oath

Excuse for Non-attendance sufficient to exempt from Fines; only Bodily Infirmary; certified by Oath of Absentee or credible White Person.

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If—after Re-
mission of
Fine through
Certificate—
Forswearing
proved; to be
punished as
wilful Perju-
ry.

Colonel or
Commanding
Officer, ac-
cepting other
Excuse for
Non-attend-
ance than that
in S. 10. to be
brought to
Court-Marti-
al.

REPEALED
by No. 545,
and Charge of
Collecting
Fines for Non-
attendance
transferred
from Provost
Martial to Ad-
jutants of
Corps. See
No. 545, S. 1.
et seq. usque
ad 9.

Oath to such Certificate, and to attest the same without Fee or Reward;) and which Certificate, so sworn to before such Justice, and by him attested as aforesaid, shall, and is hereby declared to be a good and sufficient Excuse for the Non-attendance of such Officer and Private-man, on their respective Field-days. Provided always, That if,—after such Certificate shall have been admitted by the Commanding-officer of the Corps to which such Officer or Private-man shall belong, and the Fine, by Law imposed on such Officer or Private-man for Non-attendance, shall have been remitted in consequence of such Certificate,—it shall appear, by legal Proof, that any Person, in swearing to such Certificate, shall have wilfully, or knowingly, forsworn him, or herself; such Person so forswearing him, or herself, shall incur and suffer all the Pains and Penalties, to be inflicted upon Persons convicted of wilful Perjury, in any of His Majesty's Courts of Record.

XI. And be it enacted and ordained by the Authority aforesaid, That if any Colonel or Commanding-officer of a Regiment or Corps of Militia, or any Captain or Commanding-officer of a Troop or Company therein, shall accept of or allow any other Excuse, whatever, than what is prescribed by this Law, for the Non-attendance of any Officer or Private-man on Field-days; and shall remit any Fine or Fines in consequence of such insufficient Excuse; such Colonel, Captain, or Commanding-officer shall be brought to a Court Martial for neglect of Duty, and, being thereof convicted, shall suffer such Punishment as the said Court Martial, by their Sentence, shall direct.

[XII. And be it enacted by the Authority aforesaid, That the Adjutants of the several Corps of Militia, shall, at the Meeting of their respective Corps in the Field, on the next Field-day thereof which shall happen after the Publication of this Act, and so on every Field-day thereafter to happen, deliver to the Colonel, or Commanding-officer in the Field, a Report, in Writing, of the several Defaulters of such Corps, on the last Monthly Field-day; which Report shall specify the particular Offence of each Defaulter; and shall be sworn-to, by the said Adjutant, before the said Colonel or Commanding-officer, (who is hereby authorized and empowered to administer such Oath,) that the said Report is a true and faithful Copy, of the several Returns, of Absentees or Defaulters, to him made, by the Officers commanding the several Troops or Companies in such Corps, on the preceding Field-day; and such Colonel, or Commanding-officer in the Field, to which such Report shall be made, shall order the same to be read by the Adjutant,—and, in case of his Absence, by any other Officer,—at the Head of the respective Companies, or Troops, to which such Defaulter

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faulter or Defaulters shall belong; and if any, or all of the said Defaulters, being present, shall not, then, deliver a sufficient Excuse for his, or their, Offence, or Offences, as reported by the Adjutant; or if any or all of the said Defaulters, being absent when the said Report shall be read, shall not have sent a sufficient Excuse or Excuses in Writing, for his or their Offence or Offences as aforesaid; then such Colonel, or Commanding-officer in the Field as aforesaid, is hereby required to grant a Certificate in Writing signed by him, signifying his Approbation of the said Report; which Certificate shall be annexed to the said Report, and directed to the Provost Marshal of this Island, or his Deputy, and shall also contain an Order to him, to demand, without Delay, all such Fines as shall not be remitted; which Certificate and Order the said Colonel, or Commanding-officer in the Field, is hereby ordered and directed to send, or deliver, to the said Provost Marshal, or his Deputy, within three Days after the same shall have been read in the Field as aforesaid: And if any Defaulter or Defaulters, named in the said Report, and whose Fine or Fines shall not be remitted when such Certificate and Order shall be granted as aforesaid, shall refuse, on Sight thereof, and on Demand being made by the Provost Marshal, or his Deputy, or some other Person duly authorized by him for that Purpose, to pay his or their Fine or Fines; the said Provost Marshal, or his Deputy, is hereby authorized and commanded to levy the said Fine or Fines, on the respective Goods and Chattels of the said Defaulter or Defaulters, and, on such Levy being made, immediately to proceed to the Sale of the said Goods and Chattels, at any Town nearest the Place where such Levy shall be made; and the Sum or Sums of Money, arising by such Sale, to apply to the Payment of such Fine or Fines, and all Charges attending such Levy and Sale; and to return the Overplus (if any) to the Person or Persons on whom such Levy shall have been made; and, in case sufficient Goods and Chattels, belonging to the said Defaulter or Defaulters, cannot be found whereon to levy as aforesaid, the said Provost Marshal, or his Deputy, shall, without Delay, apprehend, or cause to be apprehended the said Defaulter or Defaulters; and he or they, so apprehended, shall be, by the said Provost Marshal, or his Deputy, sent to the Common Jail of this Island, there to remain, under Confinement, until such Fine or Fines, and all incidental Charges of Confinement shall be paid. And when such Defaulter or Defaulters shall have paid his or their respective Fine or Fines as aforesaid, and all Fees due to the said Provost Marshal, or his Deputy; the said Provost Marshal or his Deputy, is hereby required, without Delay, to discharge such Defaulter or Defaulters. Provided always, and it is hereby enacted and declared, That when the Colonel, or other Commanding-officer of a Corps, shall incur any

Fine or Fines, for Non-attendance or improper Appearance on monthly Field-days, and shall refuse to pay such Fine or Fines, or shall refuse or neglect to make a sufficient Excuse, as by this Law is required, for such Non-attendance or improper Appearance, to the Officer commanding in the Field, or next in Command to such Colonel or Commanding-officer, when such Fine or Fines was or were incurred, within the Time allowed to other Defaulters, for paying their Fines or making Excuses; such Officer commanding in the Field, or next in Command to such Colonel or Commanding-officer, shall immediately, report the same to the Person being in Chief-command in this Island, for the time being, who shall, and is hereby required and empowered to issue a Warrant, under his Hand and Seal, directed to the said Provost Marshal, or his Deputy, authorizing and commanding him to proceed against such offending Colonel or Commanding-officer, for his said Fine or Fines, in the same Manner as other Defaulters in the like Case, are by this Law to be proceeded against: And if such Commanding-officer in the Field, or next in Command to such offending Colonel or Commanding-officer, shall neglect to make the Report to the Commander-in-Chief, as by this Clause is required, such Commanding-officer in the Field, or next in Command as aforesaid, shall be brought to a Court Martial, for Neglect of Duty; and shall be cashiered or fined, as the said Court shall by their Sentence direct.

REPEALED
with S. 12.

XIII. *And be it enacted by the Authority aforesaid, That the said Provost Marshal, or his Deputy, shall be entitled to retain in his Hands, out of the Sums received, or to be levied and received, at and after the Rate of ten per Centum on the Amount of the several Fines, collected and received by him, in pursuance and by virtue of this Act.*

REPEALED
with S. 12.

XIV. *And be it enacted by the Authority aforesaid, That the said Provost Marshal, or his Deputy, shall once in every six Months after the Publication of this Act, and during the Continuance thereof, deliver to the Treasurer, or his lawful Deputy, an Account in Writing, of all the Fines delivered-in to him as incurred, and which have not been received within the preceding six Months; which said Account, when produced by the said Provost Marshal, or his Deputy, shall be by him signed and sworn-to before the said Treasurer, or his lawful Deputy, (who is hereby authorized to administer the Oath,) which Oath shall be in the following Words,*

YOU make Oath, that this Account, delivered-in by you of Militia Fines received, and of all Persons who stand committed to the Common Jail, for Non-payment of Militia Fines, is just and true.

SO HELP YOU GOD.

And

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And the said Provost Marshal, or his Deputy, shall, at the same Time, pay into the Hands of the said Treasurer, or the Treasurer for the time being, all such Sum and Sums of Money, as shall be acknowledged to have been received by him, by virtue of this Act, during the said six Months; which said Sum and Sums of Money, shall be applied to the Uses and for the Intents and Purposes herein-after particularly mentioned.

XV. And whereas the good Effects intended and expected from this Act, will, in a great Measure, depend upon the Care and Activity of the Provost Marshal, in exacting and enforcing Payment of all Defaulters, of Fines imposed hereby; be it enacted and ordained by the Authority aforesaid, That the said Account, so delivered by the said Provost Marshal to the Treasurer, shall specify the Names of all the Delinquents contained in the several Returns made in the Marshal's Office, within the preceding six Months, as well those who have paid the Fine or Fines, as those who have produced a Certificate in Writing, as herein-before required, to exempt him or them from the Payment of such Fine or Fines, and also an Account of those whose Fine or Fines have not been levied for and received, together with the Reasons which have prevented the said Provost Marshal, or his Deputy, from collecting and receiving the same:—and if it shall appear to the said Treasurer, or the Treasurer for the time being, that the Provost Marshal hath not used due Diligence in collecting the said Fine or Fines, which then remain unpaid, and which ought and might have been received and recovered; then the said Provost Marshal, or his Deputy, shall, on Complaint made, to the Commander-in-Chief of this Island, by the said Treasurer, (and the said Provost Marshal, or Deputy Provost Marshal, found guilty of neglect of Duty herein,) be subject and liable to the Penalty of one hundred Pounds, Currency; and so toties quoties as such Complaint shall be made, and Conviction happen; to be levied by Warrant, under the Hand and Seal of the said Commander-in-Chief, and directed to the Coroner of this Island; which said Penalty shall be levied on the Goods, Chattels, Slaves, Lands and Tenements of the said Provost Marshal, or Deputy Provost Marshal.

XVI. And be it enacted by the Authority aforesaid, That the said Provost Marshal, or his Deputy, shall, immediately on the Receipt of such monthly Field-returns from the Commanding-officers of the several Corps of Militia, insert, in one of the public Newspapers of this Island, a Notice, that the Names of the Delinquents at the last monthly Meeting of the [Regiment, Troop, Corps, or Company, as the Case may be] are lodged in his Office; and that such Delinquents will be proceeded against, immediately, as the Law directs; the Expense of which Adver-

REPEALED
with S. 12.

REPEALED
with S. 12.

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tisement shall be retained, by the said Deputy Provost Marshal, out of the Fines received by him.]

Salaries of
ADJUTANT.

Adjutants of
Blue Regi-
ment; Red
Regiment;
Dragoons;
Artillery;
100l. annual-
ly, each.

Adjutant of
Independent
Company, 50l.
annually.
To be paid by
Treasurer
half-yearly,
on Certificate
of Command-
ing-officer.

Fine of AD-
JUTANT not
attending by
nine o'Clock
on monthly
Field-day.

See No 545.
Fine to be re-
mitted on Cer-
tificate, as in
S. 10.

Adjutant to
keep Corps
supplied with
thirty-two
Ball-car-
tridges, and
three Flints,
per

XVII. And whereas the Abilities and Attention of the Adjutants of the several Corps, are of the utmost Importance to the regularly Training the Militia to Arms, and should be recompensed by a suitable Allowance; be it enacted and ordained by the Authority aforesaid, That the Adjutant of the Militia *Blue Regiment of Foot*, the Adjutant of the *Red Regiment of Foot*, the Adjutant of the *Squadron of Light Dragoons*, and the Adjutants of the *Battalion of Artillery* and *Independent Company* shall have and receive, annually, and so in Proportion for a less Time, by half-yearly Payments out of the public Treasury of this Island, the following Sums of Money, to wit, The Adjutant of the *Blue Regiment*, the Sum of one hundred Pounds, current Gold and Silver Money of said Island; and the Adjutant of the *Red Regiment*, the *Squadron of Light Dragoons*, and the *Battalion of Artillery*, the like Sum of one hundred Pounds, current Gold and Silver Money; and the Adjutant of the *Independent Company* the Sum of fifty Pounds, like current Gold and Silver Money; and the Treasurer of this Island is hereby required, immediately to pay, to such Adjutants, such respective half-yearly Sums, upon his or their producing a Certificate, duly signed by the Commanding-officer of such Corps to which the said Adjutant belongs, that he has acquitted himself to his Satisfaction, in the Office or Post of Adjutant.

XVIII. And be it enacted and ordained by the Authority aforesaid, That any Adjutant of Militia who shall refuse, or neglect to join his respective Corps, by nine o'Clock of the Morning on the Days appointed for the monthly Meeting thereof; or who shall not, then, appear armed, cloathed and accoutred, as by a Council of War shall be directed; such Adjutant shall be fined the Sum of twenty Pounds, current Gold and Silver Money; to be levied as the other Fines imposed by this Act are *herein-before* directed to be levied. Provided always, That if such Adjutant or Adjutants shall produce a Certificate in Writing as *herein-before* required, he or they shall be exempt from Payment of the said Fine.

XIX. And be it enacted and ordained by the Authority aforesaid, That the Adjutants of the several Corps of Militia, shall constantly keep their respective Corps supplied with Ammunition and Flints, for Service and Exercise, in the Proportion of thirty-two Ball Cartridges and three Flints, for each Man, for SERVICE; and sixteen

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sixteen Field Cartridges, six loose Balls, and two Flints, for each Man, for EXERCISE; and that the said Adjutants shall compleat and deliver the same on their respective Field-days, next after the Publication of this Law, to the Captain or Commanding-officer of each Troop or Company, agreeable to the Number of Men in such Troop or Company, and according to the Proportion above-mentioned; and whenever any of the said Cartridges, Balls, or Flints, shall be expended, either in Service or Exercise, such Captain or Commanding-officer shall, as soon after as possible, make the same known to the Adjutant of the Corps, by Letter; and shall, at the same Time, specify the particular Quantity of each Article expended, and shall demand the like Quantity to compleat the Proportions above-mentioned: and the said Adjutant, on receiving such Notice, shall, without Delay, issue the Quantity of each Article respectively demanded; and every Adjutant who shall neglect to issue the Number of Cartridges, Balls, and Flints, above prescribed, on the Field-day of his Corps, next after the Publication of this Act; or who, after receiving Notice and a Demand in Writing from any Captain or Commanding-officer of a Troop or Company for a Supply of Cartridges, Balls, or Flints, shall delay or neglect to issue the same agreeable to such Demand; shall be brought to a Court Martial by the Captain, or Commanding-officer, of the Troop or Company to which the said Cartridges, Balls or Flints have not been issued or supplied as before directed; and, if convicted thereof, shall be cashiered or fined as the said Court, by their Sentence, shall direct:—And every Captain, or Commanding-officer, of a Troop or Company, who, not being furnished with the Ammunition and Flints, above prescribed, for his Troop or Company, on the Field-day next after the Publication of this Law,—or who, having demanded a fresh Supply of Ammunition or Flints for his Troop or Company, shall not receive the same within a proper Time,—shall neglect or refuse to bring the Adjutant of his Corps to a Court Martial for the same; or who shall misapply, or designedly, or through Neglect, waste the Ammunition or Flints, delivered to him for the Use of his Company; or who, when in Want of Ammunition or Flints, shall neglect or delay to acquaint the Adjutant of his Corps therewith, and demand a fresh Supply; such Captain, or Commanding-officer, of a Troop or Company, shall be, himself, brought to a Court Martial, by the Commanding-officer of his Corps, for Disobedience of Orders and Neglect of Duty; and shall be punished as the said Court shall, by their Sentence, direct; and every

per Man for Service; sixteen Field-cartridges, six loose Balls, and two Flints per Man, for Exercise.

Captains, &c. to notify to Adjutant what Ammunition, &c. is expended, and demand Supply.

Adjutant neglecting to issue Ammunition required,

to be tried by Court-Martial; and, if convicted, be cashiered or fined.

Captain, &c. not bringing Adjutant to Court-Martial, in case of Negligence;

or wasting Ammunition;

to be brought himself, to Court-Martial.

Colonel, &c.
to see Clause
complied with.

every Colonel and Commanding-officer is hereby required, on Pain of being himself tried and punished for Neglect of Duty, to take care and see, from time to time, that each Troop or Company in his Corps be constantly supplied with Ammunition and Flints agreeable to the Regulations of this Clause.

Captains, &c.
to transport
Ammunition
to Alarm-post,
for Service; or
to Parade, for
Exercise; in
Quantities
prescribed in
S. 19.

XX. And be it enacted and ordained by the Authority aforesaid, That the Captain or Commanding-officer of each Troop or Company, shall, on all Alarms, carry with him to his Alarm-post, the Ammunition and Flints, issued to him agreeable to the Directions of this Law, for the Use of his Troop or Company for SERVICE; and on all Field-days shall carry with him to the Place of Parade, the Ammunition and Flints, issued to him as above, for the Use of his Troop or Company for EXERCISE;—and if any Troop or Company shall, on any Alarm or Field-day, be deficient in the Quantity of Ammunition or Flints, respectively ordered, by this Law, for those Occasions; the Commanding-officer of the Corps to which such Troop or Company shall belong, is hereby required, on Pain of being tried and punished for Neglect of Duty, to cause the Captain, or Commanding-officer, of such Troop or Company, to be confined, and brought to a Court Martial, for Neglect of Duty, in not bringing the said Ammunition and Flints; and, if convicted thereof, such Captain or Commanding-officer shall be cashiered or fined, as the said Court shall, by their Sentence, direct.

On Neglect,
to be brought
to Court-Mar-
tial by Com-
manding-offi-
cer of Corps,
and cashiered
or fined.

Arms and Ac-
coutrements
of Servants
and Apprenti-
ces, to be sup-
plied by their
Employers.

XXI. And be it enacted and ordained by the Authority aforesaid, That the Arms and Accoutrements, ordered by a Council of War as aforesaid, or Arms and Accoutrements of equal Size and Quality, shall be found for, and supplied to all Servants upon Wages, indented or otherwise,—and for and to all Apprentices,—by the Employer, Master or Mistress of such Servants or Apprentices, out of the Number of Arms and Accoutrements which he or she is or shall be, by Law, obliged to keep; and no Servant or Apprentice,—EXCEPT of Artificers, Handicraft-men, or Mechanics,—who shall live at the Distance of two Miles or upwards, from the Place of Parade, appointed for the Corps to which the said Servant or Apprentice shall belong, shall be obliged to travel on Foot to the Place of Parade, on any monthly Field-day or Alarm, or at any other Time when legally required to do Military Duty; but every such Servant or Apprentice, except as before excepted, shall be furnished by his Employer, Master, or Mistress, with a Horse or a Mule, well broke, and with a Saddle and Bridle; and when any Servant or Apprentice, except as before excepted, who shall live at the Distance

Servant living
two Miles
from Parade,
(except Ser-
vant of Artifi-
cer, Handi-
craft, or Me-
chanic,) to be
furnished by
Employer,
with Horse or
Mule to go to
Parade.

If Servant,
through not
being

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Distance of two Miles or upwards from the Place of Parade as aforesaid, shall, by reason of his not being furnished, by his Employer, Master or Mistress, with Arms, Accoutrements, and Horse or Mule with Saddle and Bridle, as aforesaid, neglect to appear by nine of the Clock in the Morning of any monthly Meeting, and at all other Times when legally required to do Military Duty, properly armed and accoutred, as may be directed by a Council of War; the Employer, Master or Mistress of such Servant or Apprentice, shall pay the Fine or Fines imposed, by this Act, on such Servant or Apprentice, for Non-appearance at the monthly Field-days and Alarms; and which Fine or Fines shall be recovered as other Fines, for such Non-appearance are, by this Law, directed to be recovered.

being so furnished, incur Fine for Non-attendance; Fine to be paid by Employer.

See No. 545, S. 2, et seq.

XXII. And whereas it is absolutely necessary, that whenever the Captain-General, or Commander-in-Chief, of the *Leeward* Islands, shall be desirous of ascertaining the Strength of any Corps of Militia, by reviewing the same, that all the Officers, Non-commissioned-officers, and Private-men belonging thereto, shall be particularly obliged to appear under Arms at such Review: And whereas many indolent and ill-disposed Persons have, heretofore, made it a Point not to join their respective Corps on a Review, but to pay their Fines; be it therefore and it is hereby enacted and ordained by the Authority aforesaid, That during the Continuance of this Act, whenever the Captain-General, or Commander-in-Chief, of the *Leeward* Islands, for the time being, shall think proper to review any Corps of Militia in this Island, upon any monthly Field-day thereof, the same shall be, publicly, declared at the Head of such Corps, by the Commanding-officer in the Field, on the monthly Field-day immediately preceding such intended Review: and if any Officer, Non-commissioned-officer, or Private-man belonging to such Corps, shall, after such Declaration as aforesaid being duly made, absent himself from such Review, unless labouring under any bodily Infirmary which shall incapacitate him; such Officer, Non-commissioned-officer, or Private-man shall forfeit double the Sum, which such respective Officer, Non-commissioned-officer, or Private-man is hereby before made liable to pay and forfeit, for every Neglect and Default of attending at the monthly Meetings herein-before mentioned; to be levied and recovered in the same Manner, as Fines for Non-attendance at monthly Meetings, are herein-before directed to be levied and recovered.

REVIEW to be declared to Corps, by its Commanding-officer, on preceding Field-day.

Absentees not labouring under bodily Infirmary, liable to double Fines.

See S. 9.

XXIII.

Commanding-officer may form Grenadier and Light Company in each Regiment of Foot.

Establishment.

To wear Distinction in Uniform; on Pain of Fine as for Non-appearance.

No Man to serve in Grenadier or Light Company, without his Consent—

Removing without Permission of Commanding-officer, to be fined as Court Martial shall determine.

Officers conniving at such Removal to be fined as Court Martial shall determine.

Colonel or Commanding-officer to nominate Non-commissioned-officers according to Establishment directed by Council of War.

Non-commissioned-officers to serve two Years.

XXIII. And be it enacted and ordained by the Authority aforesaid, That it shall and may be lawful for the Colonel or Commanding-officer of each of the two Regiments of Foot, if he thinks proper, to form two Companies in his Regiment; one a Company of GRENADIERS, the other a Company of LIGHT INFANTRY; each Company consisting of one Captain and two Lieutenants, and so many Non-commissioned-officers and Private-men as such Colonel or Commanding-officer shall think proportioned to the Strength of his Regiment; which Companies of Grenadiers and of Light Infantry shall, upon every Field-day and Alarm hereafter to happen, and upon every other Occasion when legally required to do military Duty, wear such Distinction in their Uniform as by a Council of War shall be appointed, upon Pain of being fined as for Non-appearance, Provided always, That no Officer, Non-commissioned-officer or Private-man, shall be obliged to serve in such Companies of Grenadiers and Light Infantry without his Consent; and after being once enrolled in such Companies with his own Consent, if he shall remove or attempt to remove himself therefrom, to any other Company in that Regiment, without the Permission of the Commanding-officer thereof, he shall be brought to a Court Martial, by the Officer commanding such Company, and fined for every such Removal or Attempt thereto, as the said Court shall determine; and every Officer conniving at, or suffering such Removal without the Knowledge and Permission of the Commanding-officer of the Corps, shall on Discovery thereof, be, by the said Commanding-Officer, brought to a Court Martial, and being convicted thereof, shall be fined as the said Court Martial by their Sentence shall direct.

XXIV. And be it enacted and ordained by the Authority aforesaid, That the Colonel or Commanding-officer of each Corps of Militia shall, and is hereby required to nominate and appoint to the Corps under his Command, such a Number of Non-commissioned-officers as shall be conformable to the Establishment to be made by the Council of War, as soon as may be, after such Establishment is made, and from time to time, to fill up such Vacancies as may happen in the said Non-commissioned-officers; and every Person and Persons, so nominated and appointed as aforesaid, is, are, and shall be, for the Space of two Years after such Nomination and Appointment, deemed Non-commissioned-officers, and be liable to all the Fines and Penalties laid on delinquent Non-commissioned-officers by this Act.

XXV.

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XXV. And be it enacted and ordained by the Authority aforesaid, That every NON-COMMISSIONED-OFFICER AND PRIVATE-MAN OF THE FOOT MILITIA, who shall remove himself, or be removed by his Employer, Master or Mistress, out of the Verge of one Company, to reside within the Verge of another Company in the same Regiment; such Non-commissioned-officer or Private-man, shall, on or before the next monthly Field-day after such Removal, give-in his Name to the Captain or Commanding-officer of the Company, within the Verge of which he goes to reside, and demand a Certificate in Writing from such Captain or Commanding-officer, that he is enrolled in that Company; and such Certificate the said Non-commissioned-officer or Private-man, shall send or deliver to the Captain, or Commanding-officer, of the Company of the Verge from which he hath removed as aforesaid; and until such Certificate shall be delivered to the last mentioned Captain, or Commanding-officer, or until such Non-commissioned-officer, or Private-man, so removed as aforesaid, shall produce an Affidavit in Writing, made by him before any Justice of the Peace for this Island, (who is hereby required to administer the Oath thereto, and to sign the same, without Fee or Reward,) that such Certificate had been demanded and refused; such Non-commissioned-officer or Private-man, so removing or being removed, shall be deemed to belong to the Company of the last mentioned Captain or Commanding-officer, and, for not appearing and doing Duty therein, shall be fined and punished in the same Manner, as if he had not removed or been removed at all; and if such Non-commissioned-officer or Private-man hath removed, or been removed, to reside within the Limits of another Regiment, he shall be farther obliged also, under the like Pains and Penalties, to appear and do Duty in that Regiment, as well as in the Company of the Verge from which he hath removed; and every Captain, and Commanding-officer of a Company, neglecting or refusing to deliver the Certificate aforesaid, shall, upon Proof thereof being made to the Satisfaction of the Colonel, or Commanding-officer, of the Regiment, forfeit and pay to the Provost Marshal, or his lawful Deputy, the Sum of fifty Shillings, current Gold and Silver Money; to be recovered as the Fines for Non-appearance on the monthly Field-days are by this Law directed to be recovered.

XXVI. And be it enacted and ordained by the Authority aforesaid, That every Non-commissioned-officer, and Private-man, of the Foot Militia, who shall be employed as an Overseer or Servant upon

Non-commissioned-officer or Private moving from Verge of one Company to another; to give-in his Name, before next monthly Field-day, to Officer of new Verge, demanding Certificate of Enrolment in his Company.

Till Certificate of new Enrolment sent to Officer of Company left; or Affidavit made that Certificate was demanded and refused; Party removing deemed to belong to Verge left, and punishable for Non-attendance:—

and if in the Limits of another Regiment, to do Duty in both Regiments.

Officer refusing Certificate, to forfeit 50s.

See No. 545. S. 2, et seq.

Non commissioned-officer, or Private, not living in same Verge with his

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his Family, to do Duty in Verge where himself resides.

Adjutant, on second Field-day after Publication of Act, and annually afterwards,

to make Return of his Corps.

Penalty on Neglect, 10*l*.

See No. 545, S. 1, *et seq.*

Person neglecting to enrol himself in Militia in three Months after Arrival; or to give in his Name to Adjutant when demanded; to forfeit 40*s*.

to be levied by Distress.

For Want of sufficient Distress, Offender to be imprisoned twenty Days, *max.*

Wages, and who shall live on a Plantation within the Verge of one Company, and who shall have his Family settled and live within the Verge of another Company, such Non-commissioned-officer, or Private-man, shall be enrolled and do Duty in the Company within the Verge of which he himself is employed and resides.

XXVII. And be it enacted and ordained by the Authority aforesaid, That the Adjutant of each Corps of Militia, shall, on or before the second monthly Field-day of the Corps he belongs to after the Publication of this Law, and once in every Year after, during the Continuance thereof, attend the Colonel or Commanding-officer of that Corps with a compleat Return of all the Officers, Non-commissioned-officers and Private-men, belonging to, or liable to do Duty in the said Corps; and any Adjutant neglecting so to do, shall forfeit and pay the Sum of ten Pounds, current Gold and Silver Money; to be levied and applied in like Manner as Fines for Non-attendance on Field-days are hereby directed to be levied and applied: And if any Person, at the Expiration of three Calendar Months, after his first Arrival in this Island, or the Islands adjacent, and thereunto belonging, shall neglect to enrol himself in the Corps of Militia, within the Verge of which he shall then reside; or shall refuse to give in his Christian and Surname, to the Adjutant of such Corps demanding the same; every such Person, upon being convicted of such Neglect or Refusal, upon the Oath of one or more credible Witnesses, before any one of His Majesty's Justices of the Peace, shall forfeit and pay the Sum of forty Shillings, to the Provost Marshal of the said Island or his lawful Deputy; and if such Offender shall not, immediately, pay such Penalty, the same shall be levied, by Distress and Sale of his Goods and Chattels, by Warrant under the Hand and Seal of such Justice, directed to any Constable, rendering the Overplus, if any, on Demand, after deducting the Charge of such Distress and Sale, to such Offender upon whom such Distress shall have been made as aforesaid; and for Want of sufficient Distress, such Justice shall commit such Offender to the Common Jail, for any Time not exceeding twenty Days; and such Offender shall also be liable to all the Fines, Pains and Penalties, for Non-attendance on monthly Field-days, and other Offences, as imposed by this Law.

XXVIII. And whereas it hath been sometimes the Practice of the Private-men of the several Corps of Militia, to entrust their Fire-arms and Ammunition to Slaves, to be by them carried to, and from the Alarm-posts and Places of Parade, whereby some fatal Accident

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Accident through the Negligence, or Licentiousness of the Slaves carrying the same may happen; be it therefore, and it is hereby enacted and ordained by the Authority aforesaid, That, from and after the Publication of this Act, if any Private-man in the Militia of this Island, shall entrust his Fire-arms or Ammunition, to any Slave or Slaves, to be by him or them carried to, and from the Alarm-posts and Places of Parade, at which such Private-man shall be obliged to appear on monthly Field-days, or at any other Time when legally required to do Military Duty; it shall and may be lawful to, and for any White Person, to seize and take away all such Fire-arms and Ammunition, from any Slave or Slaves carrying the same, and immediately to carry the same to any one of His Majesty's Justices of the Peace, and to make Oath before him, of the Time and Cause of such Seizure, and to lodge such Fire-arms and Ammunition, with such Justice, who is hereby authorized and directed to receive and keep the same in his Possession; and every Person making such Seizure as aforesaid, shall, and is hereby directed to advertise the same, in the Public Papers of this Island, for three Weeks successively, setting-forth in such Advertisement, the Time and Place of making such Seizure, with the Names of the Slaves (if known) from whom such Fire-arms and Ammunition were taken, and specifying the Name of the Justice with whom the same were lodged; and if any Person or Persons, shall claim the said Fire-arms or Ammunition, within the said three Weeks, such Claimant or Claimants, shall apply himself or themselves to such Justice, and upon paying the Sum of thirty Shillings, current Money, with the Expense of the Advertisement aforesaid, and making it appear to the Satisfaction of the Justice, that he, or they, is, or are intitled to receive the said Fire-arms or Ammunition, the said Justice is hereby authorized and required, to deliver the same,—and to pay such thirty Shillings, and the Expense of the Advertisement, to the Person who shall have made the said Seizure: and all such Fire-arms and Ammunition, so seized as aforesaid, and which shall not be claimed within the said three Weeks, or for which, if claimed, the said thirty Shillings shall not be paid within the said Time, shall be, and are hereby declared to be the sole Property of the Person seizing the same; and the Justice with whom the same were lodged, is hereby authorized and required, at the Expiration of the said three Weeks, and not before, to deliver the same to such Person or Persons, as shall have lodged them with him.

If Private send Arms or Ammunition to Parade by a Slave; any White may seize such Arms, &c. from Slave, and deposit them with Justice, making Oath as to Time and Cause of Seizure.

Person making Seizure to advertise Particulars, for three successive Weeks.

Persons claiming Arms in three Weeks to receive them on paying 30s. and Expense of advertising.

Arms, &c. not claimed in three Weeks, or claimed and Fine not paid, to belong to Seizer.

Commanding
Officer of
Corps may or-
der Non-com-
missioned-of-
ficers and De-
tachments of
Privates to at-
tend Courts
Martial and
guard Delin-
quents, Arms,
&c.

Adjutant, on
receiving Or-
der, particu-
larising the
Service, to
summon the
Men.
Defaulters to
forfeit treble
the Fine on
monthly Field-
days.

See No. 545,
S. 1, et seq.

Men sum-
moned, to be
those resident
nearest to
Place of Duty.
Not more than
one from Plan-
tation.
Each to have,
at least, 24
Hours' Notice.

Treasurer to
purchase Coats
and Hats, and
Pioneers'-
caps, made to
Uniform,
[By No. 545,
S. 4, Adju-
tants to retain
Fines, on Ac-
count of
Pay]

XXIX. And be it enacted and ordained by the Authority aforesaid, That at any time when (Martial Law not being in force) it may be thought necessary by the Colonel or Commanding-officer of any Corps of Militia, that one or more Non-commissioned-officers and a Detachment of Private-men should be summoned to attend Courts Martial, and conduct Delinquents to and from Trial, or to guard Arms, Ammunition, or other Necessaries for the Service of his Corps; he shall, for that Purpose, issue an Order in Writing signed by him, and directed to the Adjutant of his Corps, specifying therein the Service to be performed, and the Place where the said Courts Martial are to sit, or where such Arms, Ammunition, or other Necessaries are to be received and delivered, and also the Number of Non-commissioned-officers and Private-men so to be summoned as aforesaid, with the Time and Place when and where they are to parade; and the said Adjutant, on receiving the said Order, shall summon the Number of Non-commissioned-officers and Private-men therein directed:— And if they, or either of them, shall refuse or neglect to attend, agreeably to such Summons, he or they, so refusing or neglecting, shall forfeit and pay to the Provost Marshal of the said Island, or to his lawful Deputy, for each Offence, treble the Sum hereby imposed on them for Non-appearance on monthly Field-days, upon Proof, of such Refusal or Neglect, being made, to the Satisfaction of the Colonel or Commanding-officer of the Corps to which such Offender shall belong, within ten Days after such Offence being committed; to be recovered and applied in the same Manner as, by this Law, Fines, for Non-appearance on monthly Field-days are recovered: Provided always, that the Non-commissioned-officers and Private-men, so to be ordered or summoned on such Duties, shall be such as reside nearest to the Place where the Duty is to be performed, and shall be the least incommoded thereby; and that not more than one Man shall be summoned, for such Duty at the same Time, from any one Plantation, and that each Non-commissioned-officer and Private-man so summoned, have, at least, twenty-four Hours' Notice of the Time and Place appointed for the Duty to be performed.

XXX. And be it enacted and ordained by the Authority aforesaid, That the Treasurer of this Island for the time being, or his lawful Deputy, is hereby authorized and required to purchase in London, or elsewhere, [out of the Monies arising from this Act, or upon a Deficiency thereof,] out of the Public Monies, such a Number of Coats and Hats, and Pioneers'-caps, as he shall from time to time, be ordered by the Commander-in-Chief of this Island, by and with the Advice

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Advice and Consent of the Council and Assembly thereof, for the Use of the Private-men of the Foot Militia, and the Battalion of Artillery, agreeable to the Uniform to be established for those Corps, by the Council of War aforesaid; which Coats, Hats, and Pioneers'-caps, shall be of the same Quality and Price, as those worn by the Serjeants of His Majesty's Marching Regiments of Foot, and Light Infantry: and the said Treasurer or his Deputy, is also hereby directed and authorized, to purchase in the City of *London*, or elsewhere, out of the Monies, aforesaid, for the Use of the said Squadron of Dragoons, and two Regiments and Independent Company of Foot, and Battalion of Artillery, a sufficient Number of Grenadiers'-caps, Drums, Trumpets, and brass-mounted Hangers, not exceeding the Establishment thereof, to be made by the Council of War as aforesaid, and agreeable to the Uniform of each respective Corps: And the said Treasurer, or his Deputy, is also hereby directed, to purchase in the like Manner, and to supply the Dragoons and Foot Militia, from time to time, with Cartridge-paper, Flints, and Musket-balls; and, the Artillery with all necessary Ammunition, (*Gun-powder excepted*,) Artillery-stores, and Pioneers'-tools; and deliver the same, and the Grenadiers'-caps, Drums, Trumpets and Swords aforesaid, to the Order of the Colonel or Commanding-officer of each of the said Corps as the same may be demanded; which Order, with a Receipt thereon, shall be a sufficient Voucher to the said Treasurer, or his Deputy, in passing their Public Accounts, for the Articles therein specified: And the said Treasurer, or his Deputy, is also hereby directed and authorized, in case there shall be Occasion for such, and he be thereto required by the Colonel or Commanding-officer, of any Corps, to purchase, in the City of *London*, or elsewhere, out of the Monies aforesaid, two Pair of Colours for the Use of each of the Regiments of Foot, and one Standard for the Use of the said Squadron of Dragoons; and a Pair of Colours for the Independent Company, which Colours and Standard, shall be of the same Quality and Price as those used in the Light Dragoons and Marching Regiments of His Majesty's Army, and shall be made agreeable to the Uniform of the Corps for which they are intended; and when received from *London*, or elsewhere, shall be forthwith, delivered to the Commanding-officer of the said Corps, without any farther Order than this Law.

XXXI. And be it enacted and ordained by the Authority aforesaid, That all and every Person and Persons now resident upon this Island, or the Islands adjacent and thereto belonging, or who shall hereafter

Pay.] for privates of Foot and Artillery;

[*See Proceedings of Council of War annexed, S. 2.*]

and—for the Corps, (generally, Grenadiers'-caps; Drums;

Trumpets; brass-mounted Hangers—according to their Establishment;

and Cartridge-paper; Flints; Musket-balls; Artillery-ammunition, except Gun-

powder; Artillery-stores; Pioneers'-tools; all to be delivered to

Order of Commanding-officer of respective Corps.

Such Order to be Treasurer's Voucher.

Treasurer to purchase Colours and Standards for Foot and Dragoons.

Person obliged to Military Duty, and unable to purchase Uniform;

form; to apply to Commanding-officer for Certificate from Commanding-officer, in order to be supplied by Treasurer, with Coat and Hat.

Certificate, with Receipt, to be Treasurer's Voucher.

Uniform supplied by Treasurer not liable to Distress, nor subject to Debts.

Persons going to, or from, or being on Military Duty, exempt from Arrest; and Horse and Furniture, from Execution.

Commanding-officer of Corps may employ competent Persons to instruct Officers and Men in Manual and Evolutions; and draw on Treasurer to pay such Persons, not exceeding 16s. 6d each Field-day.

Commanding-officer's Order,

hereafter become resident thereon, and obliged by this Act to appear on monthly Field-days, and on Alarms, in the Uniform to be established by the Council of War as aforesaid, and who shall not be able to purchase the same, shall apply to the Colonel or Commanding-officer of the Corps to which he or they shall belong, to certify the Inability of such Person or Persons to purchase such Uniform; and the Colonel or Commanding-officer is hereby required, to give a Certificate, directed to the Treasurer, setting-forth such Inability; and upon such Certificate being produced, the Treasurer is hereby authorized to furnish one Uniform Coat and Hat to every Person obtaining such Certificate as aforesaid; which Certificate, with a Receipt thereon, shall be a sufficient Voucher for the Treasurer in passing his Accounts of the said Cloathing.

XXXII. And be it enacted and ordained by the Authority aforesaid, That the Uniform Coat and Hat, so delivered to Persons unable to purchase the same as aforesaid, shall not be liable to be taken for any Distress or Distresses, or any way subject or liable to the Payment of any Debt or Incumbrance whatever, of the Person to whom such Coat and Hat shall have been supplied.

XXXIII. And be it enacted and ordained by the Authority aforesaid, That no Person, whatsoever, going to, being on, or coming from his Duty in the Field, on any monthly Field-day of the Corps to which such Person shall belong; or going to, or returning Home from his Duty on any Alarm, or when commanded or employed in any other Military Duty; shall be subject or liable to have his Body taken, or his Horse or Furniture, or Accoutrements levied upon, by virtue of any Process or Writ issuing in any Civil Action, or Suit, in any Court whatsoever.

XXXIV. And be it enacted and ordained by the Authority aforesaid, That every Colonel, or Commanding-officer of a Corps of Militia, if he shall think it necessary, may, and is hereby empowered, to employ any competent or fit Person or Persons to instruct the Officers and Men of such Corps of Militia, on the Field-days thereof, in the Manual Exercise and Evolutions practised by the Regular Troops; and such Colonel or Commanding-officer shall, and is hereby authorized to draw on the Treasury of this Island, to pay such competent or fit Person or Persons for their Trouble and Attendance, in giving the Instructions aforesaid: Provided always, that the Sums so to be drawn for, do not, at any time, exceed or be more than sixteen Shillings and six Pence, Currency, for one Field-day of any Corps of Militia; and such Colonel or Commanding-officer's Order, with a Receipt

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Receipt thereon, shall be a sufficient Voucher to the Treasurer for the time being, for the Sum therein specified, in passing his Public Accounts.

der, with Receipt, Voucher to Treasurer.

XXXV. And be it enacted and ordained by the Authority aforesaid, That every Corps of the Militia in this Island, shall at least six Times in a Year, on the monthly Field-days, fire at a TARGET, *with Ball*; and that to the Regiments and Independent Company of Foot, and Battalion of Artillery, there shall be annually paid and allowed out of the Public Treasury, the Sum of thirteen Pounds four Shillings, current Gold and Silver Money, to be distributed to and amongst the Men who make the best Shots at the Target, in such Proportions as shall be thought proper by the Colonel or Commanding-officer of each Corps; and the Treasurer, or his lawful Deputy, is hereby authorized and required to pay, the said thirteen Pounds four shillings, to Order of the Colonel, or Commanding-officer, of each of the Regiments and Independent Company of Foot, and Battalion of Artillery; which Order, with a Receipt thereon, shall be a sufficient Voucher to the said Treasurer, or his Deputy, in passing his Public Accounts, for Payment of the Sum therein specified.

Militia to Fire at TARGET, *with Ball*, six Field-days each Year. Foot and Artillery to receive 13*l.* 4*s.* annually from Treasury, for Distribution among best Marksmen.

Voucher to Treasurer.

XXXVI. And be it enacted and ordained by the Authority aforesaid, That a COUNCIL OF WAR shall be composed of the Commander-in-Chief of the Island for the time being, the Field-officers of all the Corps of Militia, and the Colonel of the Forts and Fortifications; and that a COUNCIL OF OFFICERS shall be composed of the Commander-in-Chief of the Island for the time being, the Field-officers and Captains of all the Corps of Militia, and the Colonel of all the Forts and Fortifications; and that the said Commander in Chief, with a Majority of the other Members on the Island, shall always constitute a Board respectively, and be deemed sufficient to do all the Business which may come before them: Provided always, that all the Members of the said Council, when the respective Boards are to sit, have sufficient Notice thereof, according to the Exigency of Affairs, by written Summons from the Clerk.

Council of WAR.

Council of OFFICERS.

Majority of Members on the Island, a Board.

Members to have Notice of Meetings from Clerk.

XXXVII. And be it enacted and ordained by the Authority aforesaid, That whatever Orders or Regulations shall from time to time, during the Continuance of this Act, be made by the Commander-in-Chief of this Island for the time being, [*by and with the Advice and Consent of a Council of Officers,*] for making, continuing, and discharging Alarms, and for the assembling and marching the Militia upon and during such Alarms, shall be as good and effectual as if particularly laid down herein; and whoever refuses or neglects to comply

Orders by Commander-in-Chief of his individual Authority, (No. 511, § 14.)—for Alarms, and Duty of Militia in Alarms—to be obeyed on Pain of Punishment

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nishment by
Court Mar-
tial.

comply therewith, or makes, or causes a false Alarm to be made, shall be punished according to the Nature of his Offence, by the Sentence of a Court Martial. [*By No. 511, S. 14, if Orders constitute New Signals, or change settled Military Posts, the Sanction of a Council of Officers is necessary. See also Act of 23d June, 1803. No. 575, S. 2.*]

Persons enu-
merated in
Clause EX-
EMPTED from
Attendance on
Field-days,
and other Mi-
litary Duty.

XXXVIII. And be it enacted and ordained by the Authority afore-
said, That the following Persons, that is to say, the Deputy Secretary,
the Deputy Provost Marshal, the Treasurer, the Powder-officer, and
Register of Deeds of this Island, the Naval-officer, the Collectors,
Comptrollers, and Searchers of His Majesty's Customs, and the
Waiters of the same, the Deputy Post-master-General, his Excellen-
cy's the Captain-General's *Aids-du-camp*, the Officers of the Forts and
Fortifications of this Island, the Master in Chancery, and all Persons
belonging to, or employed in His Majesty's Naval Yard at *English-
Harbour*,—and no other Persons whatsoever,—shall be, and are hereby
declared EXEMPTED from all Attendance in the Militia of this Island,
ON MONTHLY FIELD-DAYS, and from MILITARY DUTY upon all other
Occasions; EXCEPT as herein-after excepted: and, on all Times of
ALARM, the said Deputy Secretary, the Deputy Provost Marshal, the
Treasurer, and Register of Deeds of this Island, the said Naval-officer,
the said Collectors, Comptrollers and Searchers of His Majesty's Cus-
toms, the said Deputy Post-master-General, the said Master in Chan-
cery,—or such of them as are not or shall not be Officers in any of the
Corps of Militia, or *Aids-du-camp* to the Captain-General, or Officers
of the Forts and Fortifications,—shall, and they and each of them
are and is hereby required, to remain in the Charge and Custody of
their respective Offices, and are, therefore, hereby exempted from any
other Duty at those Times. And the said Powder-officer shall, at all
such Times of Alarm, immediately repair to the Magazine at *James
Fort*, and there remain so long as his Presence may be thought
necessary. And at those Times, such of the Waiters of His Majesty's
Customs, as shall have ever been named by the General, or other Com-
mander-in-Chief, and the Council, to do Duty in the Squadron of
Dragoons, shall join that Corps, cloathed, armed, accoutred and
mounted, agreeable to the Uniform and Appointments of that Corps;
and the other said Waiters shall join and do Duty in the Corps of
Foot Militia, which shall parade next to their respective Habita-
tions, and shall be cloathed, armed, and accoutred, agreeable to the
Uniform and Appointments of such Corps: And if the said Officers
and Waiters, or either of them, shall neglect or refuse, to comply
with

—Exception—
On ALARMS,
such of Civil
Officers enu-
merated as
have not Mi-
litary Com-
missions, to re-
main in
Charge of
their Offices.

On Alarm,
Powder-of-
ficer to re-
pair to *James
Fort*;

Waiters of
Customs na-
med as Dra-
goons, to join
that Corps;

other Waiters
of Customs to
join nearest
Foot Militia.

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with the Duty prescribed to them by this Clause, he or they so offending, shall be tried and punished, as other Persons of their Rank or Station in the Militia, are to be tried and punished, for the like Offences.

XXXIX. And be it enacted and ordained by the Authority aforesaid, That the Books, Papers, and Records, in and belonging to the Secretary's and Provost Marshal's Offices, shall remain, at all Times of Alarm, in the said Offices, respectively; but, *in case of actual Invasion or Insurrection*, the Treasurer and Register are hereby required, immediately to remove the Papers and Records belonging to their respective Offices, to the Council and Assembly-rooms, in the Court House, in the Town of *St. John*; and there deposit them.

Noncompliance punishable by Court Martial.

Official Papers of Secretary and Marshal to remain in their Offices, in all Alarms.

Treasurer and Register, on *Invasion, &c.* to remove their Papers to Court House.

Commanding-officers of Corps to draw on Treasurer for Expenses of apprehending and confining Delinquents; guarding Arms, &c.

Commanding-officer of Artillery to draw for Expenses as in Clause.

On Alarms, if Provisions necessary for Militia; Commanding-officer to purchase them.

Or, if not to be purchased, to take from neighbouring Plantation sufficient Cattle, &c.; and draw on Treasurer for appraised Value.

XL. And be it enacted and ordained by the Authority aforesaid, That it shall and may be lawful, to and for every Colonel, or Commanding-officer, of a Corps of Militia, to draw on the Treasurer of this Island, or his lawful Deputy; for all Expenses which may arise, from time to time, for apprehending Delinquents, and for conducting them, either before or after being tried, to any Place of Confinement; and also for guarding Arms, Ammunition, or other Necessaries for the Use of the said Corps, respectively: And it shall and may also be lawful, for the Colonel, or Commanding-officer of the Battalion of Artillery, besides the Expenses above mentioned, to draw on the said Treasurer, or his Deputy; for such Sums as may be necessary to defray the Charge of Transporting any Number, not exceeding six Field-pieces, to and from the Place of Exercise, on monthly Field-days; and for purchasing and repairing Carriages, Implements, and Stores, necessary for the Train of Artillery. And, during Times of Alarm, if any Corps of Militia remains under Arms so long as to make it necessary, that the Officers and Men thereof should be furnished with Provisions; it shall and may be lawful,—in that Case, but not otherwise,—for the Colonel, or Commanding-officer, of such Corps, to purchase a sufficient Quantity of proper Provisions for the Subsistence of his Officers and Men; if the same can be bought, where the Corps may be marching or quartered: But if proper and sufficient Provisions cannot there be purchased, it shall then be lawful for such Colonel, or Commanding-officer, to order a Commissioned-officer to take from any neighbouring Plantation, or other Place, so many Cattle, Sheep, Hogs, or Goats, as will be in the Opinion of the said Commanding-officer, sufficient to subsist his Corps for such Time as he may think necessary, the Value whereof shall be settled by any three discreet Men present: And, for paying for the said Provisions, so purchased, or any Cattle, Sheep, Hogs,

Commanding
Officer to re-
gard *Economy*
in purchasing
Provisions;
and to take
them in the
least oppres-
sive Manner.

Treasurer to
pay Expenses.

Officer em-
bezzling or
misapplying
Provisions,
&c. to make
good Damage,
and be dis-
missed, or
suffer other
Punishment
directed by
General
Court Mar-
tial.

No Person to
act as Com-
missioned-offi-
cer without
Commission.

No Obedience
to Person
without Com-
mission.

Commission-
ed-officers to
take the Oaths
to Govern-
ment in six
Months from
Act,

unless taken
before.

or Goats, so taken and valued as aforesaid, such Colonel or Commanding-officer is hereby authorized and impowered, to draw on the said Treasurer, or his Deputy: Provided always, and every Colonel, or Commanding-officer, is to take due Care, (on Pain of being called upon for Neglect of Duty,) that in all Cases where Provisions can be purchased, that the same be done in the most frugal and well conducted Manner; and, when Live Stock is taken from any Plantation or other Place, that the same may be done without Partiality or Favour, and in such Manner as will be least oppressive and injurious to the Proprietor thereof: All which Expenses, arising under this Clause, the said Treasurer, or his Deputy, is hereby authorized and directed to pay, out of the Public Treasury, to the Orders of the Colonels, or Commanding-officers, respectively; which Orders, with Receipts thereon, shall be sufficient Vouchers to the said Treasurer, or his Deputy, for the Sums therein specified, in passing his Public Accounts.

XLI. And be it enacted and ordained by the Authority aforesaid, That every Commissioned-officer, Store-keeper, or Commissary, who shall embezzle or misapply, or cause to be embezzled or misapplied, or shall wilfully or through neglect, suffer any Provisions, Arms, Ammunition, or other Military Stores, entrusted to his Care, to be spoiled or damaged; upon Proof thereof made, by two White Witnesses, before a General Court Martial, such Officer, Commissary, or Store-keeper, shall, at his own Charge, make good the Loss or Damage, and be dismissed from his Office, or suffer such other Punishment as the said Court Martial shall, by their Sentence, inflict.

XLII. And be it enacted and ordained by the Authority aforesaid, That no Person, whatever, shall presume to appear or act as a Commissioned-officer, in any Corps of Militia, without being duly authorized so to do, by a Commission from the Captain-General, or other Commander-in-Chief, of the *Leeward* Islands; nor shall any Officer or Private-man be liable to be charged with Disobedience of Orders, or any other Offence, towards any Person acting without such Commission as aforesaid. And every Commissioned-officer of the Horse and Foot Militia, and of the Train of Artillery, shall qualify himself before the Council, or at the Court of King's Bench and Grand Sessions, by taking the Oaths appointed to be taken, instead of the Oaths of Allegiance and Supremacy, and by subscribing the Test, within six Calendar Months after the Publication of this Act, unless already qualified, by having before taken such Oaths;

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Oaths; and the Commissions of such Officers as shall neglect to qualify themselves, shall be absolutely void to all Intents and Purposes, from, and immediately after the Expiration of the said six Calendar Months; and every Person who shall hereafter obtain a Commission in any of the Corps of Militia, or of the Forts and Fortifications, shall qualify himself in manner aforesaid, within six Calendar Months after the Date of such Commission, or the same shall be absolutely void as if it had never been granted, from and immediately after the Expiration of such six Calendar Months; and to prevent all Mistakes or Disputes about Rank or Seniority of Commissions in future, be it further enacted, That every Commissioned-officer of the Militia shall, within one Calendar Month after the Publication of this Act, give-in to the Clerk of the *Council of Officers* the Date of the first Commission granted to such Officer, in the Rank he may then be; and shall also produce to the said Clerk the Commission he may then hold: and if any Officer shall not have in his possession his said first Commission, he shall be allowed to give-in the Date thereof to the best of his Recollection, upon Honour: and every Officer, who, being commissioned at the Publication of this Act, shall neglect to furnish the said Date, and produce his said Commission to the said Clerk, within the Time above prescribed, shall, from thenceforth, be considered, upon all Occasions, as if his Commission was dated on the Day on which the said Calendar Month expired, and not before. And every Officer, who shall hereafter obtain a Commission, shall, as soon as he receives the same, produce it to the said Clerk of the *Council of Officers*, in order that the Date thereof may be entered in his Books; and no Rank or Seniority shall ever be given or allowed, to any Person, until his Commission be entered as aforesaid. And the said Clerk of the *Council of Officers* is hereby required, to enter, fairly and regularly, all Dates and Commissions so given-in or produced to him, from time to time, in a Book to be by him kept for that Purpose, and to note therein when each Commission is produced to him; which Book he is to bring to all Councils, or other Meetings of Officers, where it may be his Duty to attend; and all Matters of Rank or Seniority of Commissions, shall be regulated, if necessary, by such Book. And if the said Clerk shall, wilfully and knowingly, make any false or improper Entries of Commissions, or shall neglect to enter the same when given-in, or shall neglect to keep his Book fairly and properly, or to produce the same when thereto required; shall be brought to a General Court Martial; and if convicted

Commissions of Officers neglecting, void.

Person hereafter commissioned, to take Oaths in six Months.

Commissioned-officer to give-in, in Month from Act, to Clerk of *Council of Officers*, Date of first Commission in his present Rank, and produce present Commission;—&c. Officer neglecting, to take Rank from Expiration of Month.

Officers hereafter to produce Commissions to said Clerk for Registry.

No Rank from Commissions not entered.

Clerk to enter Dates and Commissions;

to produce his Book at Councils, &c.

Rank to be regulated by Clerk's Book.

Clerk making false Entry, to be brought to General Court Martial, and dismissed or fined.

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thereof, he shall be dismissed from his said Office, or fined, as the said Court shall, by their Sentence, direct.

Officer (not superannuated or disabled) resigning or forfeiting Commission, to be considered as Private, and do Duty as such.

XLIII. And be it enacted and ordained by the Authority aforesaid, That if any Officer,—not being superannuated, within the Limitations of this Act; or not being disabled or rendered unfit for Service by Wounds, Sickness, or bodily Infirmary,—shall resign his Commission; or if any Officer shall, by the Sentence of a General Court Martial, be cashiered, or be otherwise deprived of his Commission; every such resigning, or cashiered Officer shall, from his Resignation or Deprivation of his Commission, be deemed and considered as a Private-man, of, and belonging to that Regiment or Corps of Militia, within the Verge of which he shall then reside; and shall do Duty therein; and for Neglect thereof shall be liable to, and suffer the same Fines and Penalties as other Private-men.

No. 131.

XLIV. And whereas an Act of this Island, intituled, *An Act declaring the several Articles Martial Law shall consist of*, dated the twenty-eighth Day of June, in the Year of our Lord one thousand seven hundred and two, hath been, from the Insufficiency thereof and other good Causes, repealed: And whereas it is indispensably necessary, that there should be a Martial Law within this Island, to be enforced or suspended, from time to time, as Occasion or Exigencies may require, and that there should be Rules and Articles of War for the better Government of our Militia at those Times; be it therefore, and it is hereby enacted and ordained by the Authority aforesaid, That, upon all general Alarms by Day and Night, and whenever the Captain-General or other Commander-in-Chief of this Island, by and with the Advice and Consent of the Council and Assembly thereof, shall think it necessary, for the public Benefit, Martial Law, as herein-after fixed and appointed, shall be in full force over all the Inhabitants of this Island, and the Islands adjacent and thereto belonging: AND that each Corps of Militia shall be subject to Martial Law on their respective Field-days, from nine o'Clock in the Morning until twelve of the Clock at Noon, if they shall so long remain in the Field: AND that whenever any of the said Corps, or Guards, or Detachments therefrom, are to do Military Duty, by virtue of any Law that now is, or may hereafter be in force; at such Times, all Persons whatsoever, legally summoned to do Military Duty, and being thereon, shall be liable and subject to Martial Law as aforesaid.

TIMES when MARTIAL LAW shall be in force;—

[See No. 575.]

over Inhabitants, generally:—

over each Militia Corps, on Field-days:—

over Corps or Detachments on Duty.

XLV. And for the better Government of the Militia of this Island, be it enacted and ordained by the Authority aforesaid, That at all Times

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Times when Martial Law shall be in force as aforesaid, the RULES AND ARTICLES herein-after following, shall be duly observed and put in Execution, in manner herein-after mentioned.

RULES AND
ARTICLES OF
WAR.

I.

All Officers and Private-men of the Militia, not having just Impediment, shall diligently frequent Divine Service and Sermons in the Churches nearest their respective Habitations: SUCH as wilfully absent themselves, or, being present, behave indecently or irreverently, shall, if Commissioned-officers, be brought before a General Court Martial, there to be publicly and severely reprimanded by the President; if Non-commissioned-officers or Private-men, every Person so offending shall be brought before a Regimental Court Martial, and, being thereof convicted, shall, for the first Offence, forfeit eight Shillings and three Pence; for the second Offence, he shall forfeit sixteen Shillings and six Pence; and for every Offence, he shall pay in like manner.

Officers and
Privates to at-
tend DIVINE
SERVICE.

Penalty for
Absence or ir-
reverent Be-
haviour.

II.

Whatsoever Officer or Private-man shall use any unlawful Oath or Execration, shall incur the Penalty expressed in the first Article.

Penalty for
Cursing and
Swearing.

III.

Whatsoever Officer or Private-man shall presume to speak against any known Article of the Christian Faith, shall be put under Confinement; and, at the Ceasing of Martial Law, shall be, by the Commanding-officer of his Corps, delivered over to a Civil Magistrate, to be proceeded against according to Law.

Penalty for
speaking a-
gainst Article
of the CHRIS-
TIAN Faith.

IV.

Whatsoever Officer or Private-man shall profane any Place dedicated to Divine Worship, or shall offer Violence to a Chaplain of any of the Corps of Militia, or to any other Minister of God's Word, he shall be liable to such Punishment as shall be inflicted on him by a Court Martial. [By a General Court Martial; No. 511, S. 10.]

Penalty for
profaning
Churches, or
Violence to
Chaplains or
Ministers.

V.

Whatsoever Chaplain to any of the Corps of Militia, shall be guilty of Drunkenness, or of other scandalous or vicious Behaviour, derogating from the sacred Character with which he is invested, shall, upon due Proof before a General Court Martial, be discharged from his said Office.

Penalty on
Chaplain for
Drunkenness,
or Misbeha-
viour.

VI.

VI.

Penalty for
SPEAKING
traiterously,
or disrespect-
fully, of the
King or Royal
Family.

Whatsoever Officer or Private-man, shall presume to use traiterous or disrespectful Words against the Sacred Person of His Majesty, or any of the Royal Family; if a Commissioned-officer, on being convicted thereof before a General Court Martial, he shall be cashiered; if a Non-commissioned-officer or Private-man, he shall be liable to such Punishment, as shall be inflicted on him, by the Sentence of a Regimental Court Martial.

VII.

Penalty for
traiterous or
rebellious
ACTS:

and for not re-
vealing them.

Whatsoever Officer or Private-man shall engage or join in, or shall entice or persuade any Person to engage to join in any traiterous or rebellious Act against the Government, shall, on being convicted thereof before a General Court Martial, suffer Death for it: AND whosoever shall not reveal to his superior Officer such a Conspiracy, as soon as ever it shall come to his Knowledge, shall be judged equally guilty with the Contrivers of such Design; and, being thereof, in like Manner, convicted, shall suffer the same Punishment.

VIII.

Penalty for
Disrespect to
Captain-Ge-
neral, or Com-
mander-in-
Chief.

Any Officer or Private-man, who shall behave himself with Contempt or Disrespect towards the Captain-General, or other Commander-in-Chief, of this Island, or shall speak Words tending to his Hurt or Dishonour, shall be punished according to the Nature of his Offence, by Judgment of a *Court Martial*. [Of a General Court Martial, if Officer; Regimental, if Private; No. 511, S. 10.]

IX.

Penalty for
Mutiny or Se-
dition.

Any Officer or Private-man, who shall begin, excite, cause, or join-in, any Mutiny or Sedition in the Troop, Company, or Regiment to which he belongs, or in any other Troop or Company, either in His Majesty's Regular Troops, or in the Militia, or in any Post, Party, Detachment or Guard, on any Pretence whatsoever,—shall suffer Death, or such other Punishment as by a General Court Martial shall be inflicted.

X.

Penalty for not
suppressing or
for concealing
Mutiny or Se-
dition.

Any Officer or Private-man, who, being present at any Mutiny or Sedition, does not use his utmost Endeavours to suppress the same; or, coming to the Knowledge of any Mutiny or intended Mutiny, does not, without Delay, give Information thereof to his Command-
ing-

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ing-officer; shall, by the Sentence of a General Court Martial, be punished with Death or otherwise, according to the Nature of the Offence.

XI.

Any Officer or Private-man, who shall strike his superior Officer, or draw, or offer to draw, or shall lift any Weapon, or offer any Violence against him, being in the Execution of his Office, on any Pretence whatsoever; or shall disobey any lawful Command of his superior Officer; shall suffer Death, or such other Punishment, as shall, according to the Nature of his Offence, be inflicted upon him, by the Sentence of a General Court Martial.

Penalty for striking or drawing Weapon against superior Officer; or disobeying Orders.

XII.

Every Officer, who shall knowingly make a false Return to the Commander-in-Chief,—or to any superior Officer authorized to call for such Return,—of the State of the Regiment, Troop, or Company, to which the Officer making such Return shall belong, or of Arms, Ammunition, Cloathing, or other Stores thereto belonging, shall, by a General Court Martial, be cashiered.

Penalty on Officer for false Return.

XIII.

Every Officer, Surgeon, or other Person, who shall be convicted before a Court Martial [General Court Martial] of having signed a false Certificate, relating to the Absence of either Officer or Private-man, shall, if a Commissioned-officer, be cashiered; and if any other Person, he shall pay such Fine, or suffer such Imprisonment, as by the Court shall be ordered. [By No. 511, S. 10. Offences against this Article to be tried by a General Court Martial.]

Penalty for signing false Certificate respecting Absentee.

XIV.

Any Non-commissioned Officer or Private-man, who shall, without Leave from his Commanding-officer, absent himself from his Troop or Company, or from any Detachment with which he shall be commanded, shall, upon being convicted thereof, be punished according to the Nature of his Offence, at the Discretion of a Regimental Court Martial.

Penalty for Non-commissioned Officer or Private absentsenting without Leave.

XV.

All Officers and Private-men, who shall be convicted of deserting, or attempting to desert to an Enemy, shall suffer Death, or such other Punishment as by a General Court Martial shall be inflicted.

Penalty for deserting to the Enemy.

XVI.

Penalty for
advising De-
sertion.

XVI.

Whatsoever Officer or Private-man shall be convicted of having advised or persuaded any other Officer or Private-man to desert to an Enemy, shall suffer such Punishment as shall be inflicted upon him by the Sentence of a General Court Martial.

XVII.

Penalty for
insulting
Speeches or
Gestures.

No Officer or Private-man shall use any reproachful or provoking Speeches or Gestures to another, upon Pain, if an Officer, of being put in Arrest; if a Private-man, imprisoned, and of asking Pardon of the Party offended in the Presence of his Commanding-officer. [*By No. 511, S. 12. explaining this Article, Officer insulting another by Speech or Action to be put in Arrest; Private, imprisoned; each to ask Pardon before Commanding-officer, privately, or at the Head of the Regiment, as a General Court Martial shall order. See in No. 511, S. 13. the Punishment for CONTUMACY.*]

XVIII.

Penalty for
sending Chal-
lenge.

No Officer or Private-man shall presume to send a Challenge, to any other Officer or Private-man, to fight a Duel; upon Pain, if a Commissioned-officer, of being cashiered; if a Non-commissioned-officer or Private-man, of being punished at the Discretion of a Court Martial. [*Of a General Court Martial, No. 511, S. 10.*]

XIX.

Penalty on
Officer on
Guard suffer-
ing Person to
go out to fight
Duel.

Seconds and
Promoters to
be deemed
Principals.

If any Commissioned or Non-commissioned-officer commanding a Guard, shall knowingly and willingly suffer any Person whatsoever to go-forth to fight a Duel, he shall be punished as a Challenger: And likewise all Seconds, Promoters, and Carriers of Challenges in order to Duels, shall be deemed as Principals, and be punished accordingly.

XX.

Officers to
part Actors in
Frays of what-
ever Rank.

Penalty for
Resistance.

All Officers, of what Condition soever, have Power to part and quell all Quarrels, Frays, and Disorders, though the Persons concerned should belong to another Regiment, Troop, or Company,—and either to order Officers into Arrest, or Non-commissioned-officers or Private-men to Confinement, till their proper superior Officers shall be acquainted therewith; and whoever shall refuse to obey such Officer, (though of an inferior Rank,) or shall draw his Sword, or any other Weapon, upon him, shall be punished at the Discretion of a General Court Martial.

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XXI.

Whatsoever Officer or Private-man, shall upbraid another for refusing a Challenge, shall himself be punished as a Challenger: and all Officers and Private-men are hereby acquitted and discharged of any Disgrace, or Opinion of Disadvantage, which might arise from their having refused to accept of any Challenge or Challenges; as they will have only acted in Obedience to the Laws of their Country, and done their Duty, as good Soldiers who subject themselves to Discipline.

Penalty for upbraiding another on refusing Challenge. Refusers of Challenges acquitted of Disgrace.

XXII.

Whenever any Officer or Private-man shall be accused of a capital Crime, or of having used Violence, or committed any Offence either before, or during any Time these Rules and Articles may be in Force, against the Persons or Property of His Majesty's Subjects, such as is punishable by the known Laws of the Land; the Commanding-officer or Officers of every Regiment, Troop or Company, or Party to which the Person or Persons so accused shall belong, are hereby required, upon Application duly made by, or in Behalf of the Party or Parties injured, to use his utmost Endeavours to apprehend and confine such accused Person or Persons, and upon the first ceasing afterwards of these Rules and Articles, to deliver him or them over to the Civil Magistrate. If any Commanding-officer or Officers shall wilfully neglect, or shall refuse, upon the Application aforesaid, to endeavour to apprehend or to confine such accused Person or Persons; or to deliver him or them to the Civil Magistrate as aforesaid; the Officer or Officers so offending, shall, upon being convicted thereof, be, by the Sentence of a *Court Martial*, cashiered. [By No. 511, S. 10. to be a GENERAL COURT MARTIAL.]

Commanding-officers, when applied to, to use Exertion to apprehend, and confine Persons under their Command accused of Crimes punishable by Law; when Martial Law ceases, to deliver them over to Civil Magistrate; Penalty for wilful Neglect.—

XXIII.

If any Officer shall think himself to be wronged by the Colonel or Commanding-officer of his Corps, and shall upon due Application made to him be refused to be redressed, he may complain to the Captain-General, or other Commander-in-Chief, in this Island, in order to obtain Justice; who is hereby authorized and required to enquire into the said Complaint, and to take the necessary Steps for the due and speedy Administration of Justice.

Officer wronged by Colonel or Commanding-officer, may address Complaint to Resident Commander-in-Chief.

XXIV.

If any inferior Officer or Private-man shall think himself wronged by his Captain or other Officer commanding the Troop or Company

Inferior Officer or Private, wronged by Officer,

Officer, may
complain to
Regimental
Commander.

to which he belongs, he is to complain thereof to the Officer commanding the Regiment or Corps, who is hereby required to summon, without Delay, a *Court Martial*, for the doing Justice to the Complainant. [By No. 511, S. 10. a GENERAL COURT MARTIAL is to be summoned.]

XXV.

Penalty for
wasting Am-
munition de-
livered out for
Service.

Whatsoever Non-commissioned-officer or Private-man, shall be convicted, at a Regimental Court Martial, of having misapplied, or designedly, or through Neglect, wasted the Ammunition delivered out to him to be employed in the Service of this Island, shall—if a Non-commissioned-officer, be reduced to a Private-man, and shall besides pay such Fine in the same Manner as a Private so offending, at the Discretion of a Regimental Court Martial.

XXVI.

Penalty for not
repairing to
Alarm-post;
and for neg-
lecting Milita-
ry Duty, when
legally requir-
ed.

Exception as
to Field-day,
when Alarm
not fired.

Whatsoever Officer or Private-man shall not repair to his Alarm-post, with all possible Expedition, upon all Alarms by Day and Night, or shall neglect, or refuse to perform any Military Duty when thereto legally required, or shall not attend at the Hour and Place appointed when ordered to do Military Duty (Field-days excepted) shall, on being thereof convicted before a *Court Martial*, be punished according to the Nature of his Offence; but on Field-days, when Martial Law is in force, unless an Alarm is fired, the same Regulations are to take Place which are directed to be observed on those Days when Martial Law is not in force. [By No. 511, S. 10. General Court Martial to sit on Officer, accused under this Article; Regimental Court Martial, on Non-commissioned-officer or Private.]

XXVII.

Penalty for
quitting with-
out Leave Mi-
litary Body
under Arms.

All Officers and Private-men (the Commanding-officer of any Regiment or Corps excepted) who, after having joined their Regiment, Troop or Company, under Arms, shall quit the same, without Leave from their Commanding-officer, on being convicted thereof before a *Court Martial*, shall be punished according to the Nature of their Offence. [By No. 511, S. 10. General Court Martial to sit on Officer accused under this Article; Regimental Court Martial, on Non-commissioned-officer or Private.]

XXVIII.

Penalty for ly-
ing out of
Camp or from
Guard;

No Officer or Private-man, being encamped or on-guard, shall lie therefrom all Night, without Leave from his Commanding-officer,

or

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or shall go from his Guard without such Leave, before he shall be regularly dismissed or relieved, on the Penalty of being punished according to the Nature of his Offence, by the Sentence of a *Court Martial*. [By No. 511, S. 10. General Court Martial to sit on Officer accused under this Article; Regimental Court Martial, on Non-commissioned-officer or Private.]

Guard; quitting Guard without being dismissed or relieved.

XXIX.

Whatsoever Commissioned-officer shall be found drunk on his Guard, Party, or other Duty under Arms, shall, on being convicted thereof before a *Court Martial*, be cashiered; any Non-commissioned-officer or Private-man so offending, shall suffer such Punishment as shall be inflicted by the Sentence of a *Court Martial*. [By No. 511, S. 10. General Court Martial to sit on Officer; Regimental Court Martial, on Non-commissioned-officer or Private.]

Penalty for Drunkenness on Duty.

XXX.

Whatever Centinel shall be found sleeping upon his Post, or shall leave it before he shall be regularly relieved; or, upon Discovery of an Enemy, shall neglect to give timely Notice thereof, according to his Orders; shall suffer Death, or such other Punishment as shall be inflicted by the Sentence of a *Court Martial*. [General Court Martial; No. 511, S. 10.]

Penalty for sleeping at Post; or of quitting before relieved; or not giving Notice of Enemy's Approach.

XXXI.

No Non-commissioned-officer or Private-man shall hire or substitute another to do his Duty for him; or be excused from Duty, but in case of Sickness, Disability, or Leave of Absence; and every such Non-commissioned-officer or Private-man, found guilty of hiring or substituting another to do his Duty,—as also the Party so hired or substituted to do another's Duty,—shall suffer such Punishment as shall be inflicted by a Regimental Court Martial.

Penalty on Non-commissioned-officer or Private doing Duty by Substitute; and for being Substitute.

XXXII.

And every Commissioned or Non-commissioned-officer, knowing and allowing of such ill Practices in the Militia of this Island, shall be punished by the Judgment of a *Court Martial*. [By No. 511, S. 10. General Court Martial to sit on Officer accused under this Article; Regimental Court Martial, on Non-commissioned-officer.]

Penalty for Officers conniving at Substitution of Duty.

XXXIII.

Any Person within this Island, who, after a general Alarm shall be made, shall, by firing great Guns, small Arms, beating of Drums, or

Penalty for false Alarm in Camp, by Gar-

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Garrison, or
Quarters.

by any other Means whatsoever, occasion a fresh false Alarm in Camp, Garrison, Fort, Quarters, or any other Place, shall suffer Death, or such other Punishment as shall be ordered by a General Court Martial.

XXXIV.

Penalty for
molesting Per-
sons carrying
Provisions to
Camp, &c.

No Officer or Private-man shall do Violence to any Person carrying Provisions or other Necessaries to the Camp, Garrison, or Quarters of His Majesty's Forces, or the Militia, from one Part of the Island to another, on Pain of being punished, according to the Nature of his Offence, by the Sentence of a *Court Martial*. [By No. 511, S. 10. General Court Martial to sit on Officer accused under this Article; Regimental Court Martial, on Non-commissioned-officer or Private.]

XXXV.

Penalty for
casting-away
Arms or Am-
munition, un-
der Arms, and
not before
Enemy.

Every Officer or Private-man, who shall, when under Arms and not before an Enemy, cast-away his Arms or Ammunition, shall suffer such Punishment as shall be ordered by the Sentence of a *Court Martial*. [By No. 511, S. 10. General Court Martial to sit on Officer accused under this Article; Regimental Court Martial, on Non-commissioned-officer or Private.]

XXXVI.

Penalty for
misbehaving
before Ene-
my; or aban-
doning Post.

Whatsoever Officer or Private-man shall misbehave himself before an Enemy, or cast away any of his Arms or Ammunition, or shamefully abandon any Post committed to his Charge, or shall speak Words inducing others to do the like,—shall suffer Death.

XXXVII.

Penalty for
running from
Enemy; or
inducing
others to run;
or plundering.

Whatsoever Officer or Private-man shall misbehave himself before an Enemy, and run away, or shamefully abandon any Fort, Post, or Guard, which he or they shall be commanded to defend; or speak Words inducing others to do the like; or who, after Victory, shall quit his Commanding-officer, or Post, to plunder or pillage; every such Offender being duly convicted thereof, shall be reputed a Disobeyer of this Law, and shall suffer Death, or such other Punishment, as by a General Court Martial shall be inflicted on him.

XXXVIII.

Penalty for
surrendering
Town, Fort,
&c.

Whatsoever Officer or Private-man shall surrender any Town, Fort, or other Post to the Enemy, or any Magazine, Victuals, Arms
or

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or Ammunition, or shall propose any such Matter, but upon Extremity, and that to the General or other Commander-in-Chief, shall be considered as having committed a traiterous Act against the Government, and shall be tried and punished accordingly.

&c. to the Enemy; or proposing it.

XXXIX.

Whatsoever Officer or Private-man seeth the Captain-General or other Commander-in-Chief of these Islands, in the Hands, or in Danger of the Enemy, shall, to the utmost of his Power, endeavour to rescue or succour him, on Pain of Death.

Officer or Private seeing General in Danger, to rescue him.

XL.

Any Person belonging to the Militia of this Island, who shall make known the Watch-word to any Person who is not intitled to receive it, according to the Rules and Discipline of War; or shall presume to give the Parole or Watch-word different from what he received; shall suffer Death, or such other Punishment as shall be ordered by the Sentence of a General Court Martial.

Penalty for making known Watch-word; or giving false Watch-word.

XLI.

All Officers and Private-men are to behave themselves orderly at all Times, when under Arms; and whosoever on a March, or otherwise, shall commit any Waste or Spoil, either in Walks of Trees, Cane-pieces, Houses or Gardens, Corn-fields, Yam-pieces, or other Land in Provisions, Negro-houses, Inclosures, or Pasture Grounds, or shall maliciously and wantonly destroy any Property whatever,—unless by Order of his Excellency the Captain-General, or other Commander-in-Chief of this Island, to annoy Rebels or other Enemies in Arms against his Majesty,—he or they who shall be found guilty of offending herein, shall (besides such Penalties as they are liable to by any other Law) be punished, according to the Nature and Degree of the Offence, by the Judgment of a General Court Martial.

Troops to be orderly under Arms, and on March.

Penalty for spoiling Property,—unless by Order, to annoy Enemy.

XLII.

Whosoever shall violate any Safeguard or Protection given by the Captain-General, or other Commander-in-Chief of this Island, knowing the same,—shall suffer Death, or such other Punishment as a General Court Martial shall think fit.

Penalty for violating Safeguard or Protection.

XLIII.

Whosoever shall relieve an *Enemy* or *Rebel in Arms*, with Money, Victuals, Arms, or Ammunition; or shall knowingly harbour, entertain,

Penalty for relieving or harbouring Enemy.

entertain, or protect an Enemy or Rebel; shall suffer Death, or such other Punishment as by a General Court Martial shall be inflicted.

XLIV.

Penalty for
corresponding
with Enemy;

or assisting
Prisoners to
escape.

Whosoever shall be convicted of holding Correspondence with any Rebel, or Enemy of His Majesty; or of giving them Advice or Intelligence, either by Letters, Messages, Signs or Tokens, in any Manner or Way whatsoever; or shall treat with such Rebels or Enemies, without License from the General or Commander-in-Chief; or whosoever shall be convicted of aiding, assisting, conniving at, or any way contriving the Escape of any Prisoner or Prisoners, either directly or indirectly; shall suffer Death, or such other Punishment, as by a General Court Martial shall be inflicted.

XLV.

Penalty for
entertaining
Stranger with-
out Leave;
or concealing
Spy.

No Officer or Private-man shall entertain any Stranger in his Tent, or other Place, without Leave from his Commanding-officer, on Pain of being punished for Disobedience of Orders; and any Officer or Private-man who shall be convicted, before a General Court Martial, of having concealed a Spy, shall suffer Death.

XLVI.

Penalty for
compelling
Commandant
to surrender
Post to Ene-
my.

If any Governor, or other Commanding-officer, of any Garrison, Fort, or other Post, shall be compelled by the Officers or Private-men under his Command, to give it up to an Enemy, or to abandon it; the Commissioned-officers, Non-commissioned-officers, or Private-men, who shall be convicted of having so offended, shall suffer Death, or such other Punishment as shall be inflicted upon them by the Sentence of a General Court Martial.

XLVII.

Eldest Officer
to command
when Corps
act in con-
junction.

If upon Marches, Guards, or Detachments, two or more Corps of Militia shall happen to join or do Duty together,—the eldest Officer by Commission, there on Duty, shall command the Whole, and give Orders for what is needful for the Service of the Island; and all other Officers and Private-men there on Duty, are hereby required to obey such eldest Officer, on pain of being punished for Disobedience of Orders.

XLVIII.

Officer on
Guard to re-
ceive Prison-
er;

No Officer commanding a Guard, shall refuse to receive or keep any Prisoner committed, to his Charge, by any Officer belonging to His Majesty's

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Majesty's Troops, or to the Militia; which Officer shall, at the same Time, deliver an Account in Writing, signed by himself, of the Crime with which the said Prisoner is charged.

Officer committing Prisoner, to particularize Crime.

XLIX.

No Officer commanding a Guard shall presume to release any Prisoner committed to his Charge, without proper Authority for so doing; nor shall he suffer any Prisoner to escape; on the Penalty of being punished for it by the Sentence of a Court Martial.

Penalty for Officer on Guard releasing Prisoner.

L.

Every Officer to whose Charge any Prisoner shall be committed, is hereby required, within twenty-four Hours after such Commitment, or as soon as he shall be relieved from his Guard, to give-in, in Writing, to the Colonel, or Commanding-officer, of the Regiment or Corps to which the Prisoner belongs, (where the Prisoner is confined upon the Guard belonging to such Regiment or Corps, and his Offence only relates to the Neglect of Duty in his own Corps,—and in other Cases, to the Commander-in-Chief of this Island,) the Name and Crime of such Prisoner, and the Name of the Officer who committed him,—on the Penalty of being punished for his Disobedience or Neglect, at the Discretion of a Court Martial.

Officer having Charge of Prisoner to return his Name in 24 Hours, or as soon as Officer is relieved.

LI.

And if any Officer under-arrest shall leave his Confinement before he is set at liberty by the Officer who confined him, or by a superior Power, he shall be cashiered for it.

Penalty for Officer breaking Arrest.

LII.

Whatsoever Commissioned-officer shall be convicted before a General Court Martial, of behaving in a scandalous, infamous Manner, such as is unbecoming the Character of an Officer and Gentleman,—either when Martial Law shall be in force, or at any other Time,—shall be cashiered.

Officer convicted of unbecoming Behaviour, to be cashiered.

LIII.

To the end that Offenders may be brought to Justice,—whenever any Officer or Private-man shall commit a Crime deserving Punishment, he shall, if an Officer, be, by any other superior Officer, (whether of the same Corps or not,) put in Arrest; if a Non-commissioned-officer or Private-man, he shall be put into Confinement, till he shall be either tried by a Court Martial, or shall be lawfully discharged

Officer to be put in Arrest; other Offender in Confinement.

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Officer arrest-
ing or confin-
ing Offender
to report his
Name, his
Crime, and
Names of Wit-
nesses.

discharged by a proper Authority: AND every Officer who shall put another in Arrest, or shall put a Non-commissioned-officer or Private-man into Confinement, shall immediately report the same in Writing to the Commanding-officer of the Corps to which the Offender may belong; and shall, in such Report, state the Crime committed, and the Names of the Witness or Witnesses who can prove the same; and every Officer who shall refuse or neglect to proceed against any Offender as hereby required, or who having put an Offender in Arrest or Confinement, shall neglect to report the same as above directed, shall be, by his Commanding-officer, brought to a *Court Martial* for Neglect of Duty, and shall suffer such Punishment as the said Court Martial by their Sentence shall direct. [By No. 511, S. 10. General Court Martial to sit on Officer accused under this Article.]

LIV.

Provision for
punishing
Crimes not
capital, omit-
ted in Articles.

All Crimes not capital, and all Disorders or Neglects which Officers or Private-men may be guilty of, whenever Martial Law shall be in force, to the Prejudice of good Order and Military Discipline, *though not mentioned in the said Articles*, are to be taken Cognizance of by a *Court Martial*, and be punished at their Discretion. [By No. 511, S. 10. General Court Martial to sit on Officer tried under this Article, Regimental Court Martial, on Non-commissioned-officer or Private.]

LV.

Doubts as to
Construction
of Articles
to be deter-
mined, accord-
ing to Prac-
tice in Army,
by General
Court Mar-
tial.

And as it is impossible that any Rules and Articles, or other Public Acts, can be so worded, but that Difficulties may be started by perverse and unreasonable Men,—If any Offence or Crime shall be committed by any Officer or Private-man, which comes not within the Meaning or Purport of any of the foregoing Rules and Articles; or if any Doubt shall at any Time hereafter arise, concerning the Construction of the said Rules and Articles, in any Particular; the same shall be determined according to the Practice and Custom in His Majesty's Army, by the Sentence of a *Court Martial*. [By No. 511, S. 10. General Court Martial is to determine in Cases under this Article.]

XLVI. And whereas some Doubts have heretofore arisen, whether any Person, when Martial Law is not in force, may be tried by a Court Martial for any Breach of that Law, committed during the Time it was in force: therefore, to obviate the said Doubts, and that Offenders may not go unpunished; be it enacted and ordained by

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by the Authority aforesaid, That during the Continuance of this Act, it shall and may be lawful for any Court Martial to sit, and try all Delinquents for Offences cognizable by such Courts Martial, although Martial Law shall not be in force at such Sitting and Trial: And if any Officer shall be put in Arrest, or if any Non-commissioned-officer or Private-man shall be put in Confinement, when Martial Law is in force,—and if during the Continuance thereof, a Court Martial cannot assemble for the Trial of such Offender, or if he shall not be otherwise discharged,—he shall,—at the ceasing of Martial Law,—if an Officer, remain under Arrest; or if a Non-commissioned-officer or Private-man, he shall be, by the Colonel or Commanding-officer of the Corps to which the Offender shall belong, sent to *Great George Fort*, or *James Fort*, which ever shall be nearest, there to remain until he shall be either tried by a Court Martial, or shall be lawfully discharged by proper Authority: Provided always, that all Offenders, who, being in Arrest or in Confinement, cannot be tried during the Continuance of Martial Law, shall be tried within three Days at farthest after such Law shall cease; and if any Delinquent or Delinquents liable to be tried by a Court Martial, by virtue of this Act, shall not be in Arrest or in Custody, or having been so, shall have escaped therefrom, it shall and may be lawful, for the Colonel or Commanding-officer of the Corps to which such Delinquent or Delinquents shall belong,—if Martial Law shall not then be in force,—to issue a Warrant under his Hand and Seal, directed to any Constable, to apprehend the said Delinquent or Delinquents and he or they, so apprehended, shall be by the said Colonel, or Commanding-officer, sent to *Great George Fort* or *James Fort*, which ever shall be nearest, there to remain under Confinement until a Court Martial can assemble for the Trial of such Delinquent or Delinquents: Provided always, That every such Delinquent shall be tried within three Days at farthest after he shall be in Custody.

Court Martial may try Delinquent for Offence during Martial Law, though Martial Law shall have ceased.

Offender confined,—and not tried during Martial Law,—to be kept in Arrest, if Officer; or otherwise lodged in *Fort George* or *James*, till tried or discharged:

Trial in three Days after Cessation of Martial Law.

If Delinquent liable to Trial by Court Martial, be not in Custody or escaped, Commanding-officer may, (Martial Law not being in force,) by Warrant to Constable, cause Delinquent's Apprehension, and send him to *Fort George* or *Fort James* till tried.

Trial in three Days.

Commander-in-Chief (Martial Law being in force) may, with Advice of Council of War, employ all Slaves in Public Works, See S. 48.

XLVII. And be it enacted and ordained by the Authority aforesaid, That at all Times when Martial Law shall be in force as aforesaid, it shall, and may be lawful for the Captain-General, or other Commander-in-Chief of this Island, by and with the Advice and Consent of a Council of War, to employ all the Slaves on the Island,—or such Proportion thereof, as the said Commander-in-Chief and Council shall think necessary,—in throwing up Breast-works, Intrenchments, Redoubts, or other Works for the Defence of this Island; and in repairing, or otherwise working on any of the Forts and Fortifications; or in any other Service, which, by the said Com-

mander-in-Chief and Council, may be thought expedient and proper for the Public Good.

When Slaves are to be employed under S. 47. Owners to have Notice from Council of War. Owner convicted, (after Cessation of Martial Law,) before Justices, of failing to furnish Number, to forfeit 5s. per Day for each Slave deficient.

Notice at least 24 Hours previously; either personally; or verbally to White; or in Writing to other Person.

Proportions of Slaves to be equalized.

By No. 511, S. 2. Captain-General, or Resident-Commander-in-Chief, on Application as in S. 50, to issue Warrant, for General Court Martial, to ADJUTANT of Corps in which Delin-

XLVIII. And be it enacted and ordained by the Authority aforesaid, That whenever Slaves are to be employed in the Public Service as aforesaid, the Owner, or Possessor or Possessors of such Slaves, shall have Notice thereof in such Manner, and by such Persons as shall be agreed upon and ordered, for that Purpose, by the said Commander-in-Chief and Council of War: And whatsoever Owner, or Possessor, of Slaves, having such Notice, shall neglect, or refuse, to furnish the Number and Kinds of Slaves required of him or her,—upon being convicted thereof (after Martial Law shall cease) before any two of His Majesty's Justices of the Peace, by the Oath of one or more credible white Witness or Witnesses, shall forfeit and pay the Sum of five Shillings *per* Day, for each Slave not furnished as aforesaid; and if the same be not immediately paid down, the said Offender shall be, by the said Justices, committed to the Common-jail, there to remain until the said Fine and all incident Charges be fully paid and satisfied; and all such Fines shall be paid to the Treasurer of this Island for the time being, and shall be applied to repairing the Forts and Fortifications thereof: Provided always, that every Owner or Possessor of Slaves shall have Notice of the Time and Place, appointed for furnishing Slaves for the Public Service as aforesaid, at least twenty-four Hours before such Slaves are to be furnished; which Notice being personally served, or given, verbally, to any White Person, or in Writing to any other Person, at the last Place of Abode of such Owner or Possessor shall be deemed sufficient: And provided also, that the Slaves to be furnished as aforesaid, shall be required in equal Proportions to the Number of Slaves, of every Owner or Possessor respectively; and that all Owners and Possessors of Slaves, be required to furnish Slaves at one and the same Time.

XLIX. And be it enacted and ordained by the Authority aforesaid, That it shall and may be lawful for the Captain-General of the *Leeward* Islands,—and, in case of his Death or Absence from this Island, for the Lieutenant-General of the *Leeward* Islands,—and in case of his Death or Absence, for the Lieutenant-Governor of this Island,—and in case of his Death or Absence, for the Commander-in-Chief for the time being,—and, in case of his Death or Absence, for the President of the Council of this Island,—from time to time, to grant a Warrant, under his Hand and Seal, to any Officers of Militia not under the Degree of a Field-officer, and being Commanding-officers of the Corps they belong to, to hold and erect General Courts Martial within this Island, whenever the same may be necessary in their respective

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pective Corps: which Courts Martial shall have, and are hereby declared to have full Power and Authority to sit, and if necessary, to adjourn from time to time in order to try, hear and determine all Offences which by this Law are directed to be tried by General Courts Martial. Provided always, that no Person or Persons shall be adjudged, by the said Courts Martial, to suffer any Punishment extending to Life or Limb, except for such Crimes as are expressed to be so punishable by the foregoing Rules and Articles of War; and that for such Crimes only excepted,—*no corporal Punishment whatever, shall be ordered by the Sentence of any Court Martial;* and that all Offences not punishable by Death, shall be punished by Fine or Imprisonment, or both, as the Courts Martial before whom the same shall be tried, shall by their Sentence order and direct. And provided also, That no Person convicted of any Offence, shall, by the Sentence of any Court Martial, be adjudged to be imprisoned for a longer Term than the Space of six Months; And that every pecuniary Fine imposed by the Sentence of a Court Martial, shall go, and be applied, first, towards paying the Fees of the Judge Advocate, and the other Charges of the Court imposing the same, and the Remainder as the said Court shall by their Sentence direct.

Delinquent is; appoint Time and Place; and select Members of Court from any Corps.

Limitation of Court Martials' Power.

By No. 511, S. 1. Court Martial may inflict corporal Punishment prescribed by Articles of War.

Limitation of Imprisonment, and Fines.

Fines, after paying Fees of Judge Advocate, applied as Court shall direct.

When Court Martial requisite, Commanding-officer to apply to resident Commander-in-Chief for Issue of Warrant. See No. 511, S. 2.

L. And be it enacted and ordained by the Authority aforesaid, That whenever there shall be Occasion for the Sitting of a General Court Martial for the Trial of any Offender or Offenders, the Colonel, or Commanding-officer, of the Corps to which the Offender or Offenders shall belong, not having before received a Warrant for erecting and holding General Courts Martial, *agreeable to the Directions of this Act*, shall forthwith apply himself to the Captain-General, or such other Person as by this Act is empowered to grant Warrants for the holding and erecting the same; and, having such Warrant, shall forthwith issue a Warrant, under his Hand and Seal, to the Adjutant of the Corps to which the Delinquent or Delinquents to be tried shall belong, appointing the Time and Place when and where the Court shall be held, and directing him to summon the Judge Advocate herein-after mentioned, and such, and so many Officers as by this Law are made necessary to constitute the Court, and all the Witnesses, whose Names shall have been given in, to attend at the same Time and Place; which in the Warrant, (together with the Names of the Officers and Witnesses to be summoned,) shall be clearly and fully expressed; and any Commanding-officers, or Adjutant who shall neglect to proceed as is by this Clause required, so that the Offender or Offenders, owing to such Refusal or

Commanding-officer or Adjutant not proceeding according to Law,

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Law, to forfeit 100%.

Neglect, cannot be tried within the Time prescribed by this Law, shall forfeit and pay the Sum of one hundred Pounds, current Money, to any Person who shall sue for the same, in any Court of Record in this Island, wherein no Essoign, Protection, or Wager of Law shall be allowed.

See, with this Clause, No. 511, S. 10.

General Court Martial to consist of thirteen Members, *min.*

President to be Field-officer; no Field-officer to be tried by Officer lower than Captain.

Hours for Trial.

Courts Martial to issue Summonses necessary, and administer Oaths.

Members to be sworn.

LI. And be it enacted and ordained by the Authority aforesaid, That all Offences committed by Officers, and all Capital Offences committed by Non-commissioned-officers, and Private-men, shall be tried by General Courts Martial only; which General Courts Martial, shall not consist of a less Number than thirteen Members, whereof none to be under the Degree of a Commissioned-officer, and the President not under the Degree of a Field-officer; and no Field-officer shall be tried by any Person under the Degree of a Captain, nor shall any Proceedings or Trials, be carried on, except between the Hours of eight in the Morning, and three in the Afternoon; and such Courts Martial shall, and are hereby declared to have Power and Authority, and are hereby required, to summon all Persons necessary, and to administer an Oath to every Witness, in order to the Examination or Trial of any of the Offences which shall come before them. Provided always, That in all Trials of Offenders by General Courts Martial to be held by virtue of this Act, every Officer sitting upon such Trial, before any Proceedings be had thereon, shall take the following Oaths, upon the Holy Evangelists, before the Court; and the Person officiating as Judge Advocate, is hereby authorized to administer the same, in these Words, that is to say,

Judge Advocate's CHARGE to Members.

YOU shall, well and truly, try and determine, according to the Evidence, in the Matter now before you, between Our Sovereign Lord the King and the Prisoner to be tried:

SO HELP YOU GOD.

Member's OATH.

I [A. B.] do swear, That I will duly administer Justice according to an Act of Assembly of this Island, now in force, intituled, An Act to alter, revive, and amend, an Act intituled, An Act to alter and amend an Act, intituled, An Act for regulating the Militia of this Island; and for the further Regulation of the said Militia, and fixing, and appointing the Times when Martial Law shall be in force in this Island, and declaring and establishing Rules, and Articles of War, for the better Government of the said Militia at those Times; without Partiality, Favour, or Affection; and if any Doubt shall arise, which

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is not explained by the said Act,—according to my Conscience, the best of my Understanding, and the Custom of War in the like Cases: and I further swear, that I will not divulge the Sentence of the Court, until it shall be approved of by his Excellency the Captain-General, or Commander-in-Chief of the Leeward Islands for the time being; neither will I, upon any Account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court Martial, unless required to give Evidence thereof as a Witness, by a Court of Justice, in a due Course of Law.

SO HELP ME GOD.

And as soon as the said Oaths shall have been administered to the respective Members, the President of the Court is hereby authorized and required, to administer to the Person officiating as Judge Advocate, an Oath in the following Words, that is to say:

Judge Advocate to be sworn by the President.

I Do swear, That I will not, upon any Account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court Martial, unless required to give Evidence thereof as a Witness, by a Court of Justice, in a due Course of Law.

Judge Advocate's OATH.

SO HELP ME GOD.

LII. And be it enacted and ordained by the Authority aforesaid, That no Sentence shall be given against any Offender, by any General Court Martial, unless nine Officers present shall concur therein; and if there be more Officers than thirteen, the Judgment shall pass by the Concurrence of two-thirds of the Officers present; and no Sentence of a General Court Martial shall be carried into Execution, until approved of by the Captain-General or Commander-in-Chief of the Leeward Islands for the time being, by a Warrant under his Hand and Seal, directed to the Colonel, or Commanding-officer, of the Corps to which the Delinquent shall belong, ordering the said Colonel, or Commanding-officer, to see the said Sentence carried into Execution; EXCEPT in Sentences not depriving of Life, where the Approbation of the Commander-in-Chief of this Island, for the time being, shall be sufficient; provided such Approbation shall be by a Warrant under his Hand and Seal, directing and ordering as aforesaid; and provided always, That the Party tried by any General Court Martial, shall be entitled, from the Person officiating as Judge Advocate, to a Copy of the Proceedings, and Sentence of such Court Martial, upon Demand thereof

No Sentence unless nine Members concur.

If more than thirteen, two-thirds must concur.

Sentence to be approved by Commander-in-Chief of L. I.

See in No. 511, S. 9. Form of Approbation.

In Sentences not depriving of Life, Approbation by Commander-in-Chief of Antigua sufficient.

Party tried entitled to Copy of Proceedings and Sentence;

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paying for
same.

No second
Trial for same
Offence, un-
less in case of
Appeal;

Sentence not
to be revised
more than
once.

Officer or Pri-
vate not ar-
rested or con-
fined by SUPE-
RIOR when
Martial Law is
in force; not
to be tried un-
less as in
Clause;—

[No. 511, Sect.
2 and 3. annuls
or varies the
Portions of the
Clause in
Crotchets.]

Accuser to
state Charge,
annex Names
of Witnesses,
and sign his
Name.

Commander-
in-Chief on
Receipt of
Charge is to
arrest or con-
fine the Accu-
sed, and trans-
mit to Judge
Advocate Co-
py of Charge.
Judge Advoca-
te to furnish
Prisoner with
Copy and de-
mand a List
of his Wit-
nesses.

And finally to
deliver Names
of all the Wit-
nesses to Ad-
jutant to be
summoned.

thereof made by himself, or any Person or Persons on his Behalf, (he or they paying reasonably for the same,) at any Time not sooner than one Calendar Month, after such Sentence shall have been passed; and provided also, That no Officer or Soldier, being acquitted, or convicted of any Offence, be liable to be tried a second Time by the same or any other Court Martial, for the same Offence, unless in the Case of an Appeal from a Regimental to a General Court Martial; and that no Sentence given by any Court Martial, and signed by the President thereof, be liable to be revised more than once.

LIII. Provided nevertheless, and be it further enacted, That no Officer or Private-man, not being put in Arrest or Confinement by a superior Officer, when Martial Law is in force, shall be tried by a General Court Martial for any Offence committed against this Act, unless a Complaint of the Offence be made in Writing to the Captain-General, or other Commander-in-Chief of this Island, [*or to the Colonel, or other Commanding-officer of the Regiment or Corps to which the Offender shall belong,*] within twenty-four Hours after the Offence shall come to the Knowledge of the Person complaining; or unless a Court Martial to try such Offender, shall be ordered by the General, or other said Commander-in-Chief of this Island, [*or by the said Colonel or Commanding-officer of the Regiment or Corps,*] from his own Knowledge of the Offence; and every Person so complaining, shall in his said Complaint, fully state the Charge against the Offender, and shall annex thereto the Names of every Witness to be produced in Support thereof, and shall sign his own Name thereto; and [*every Colonel or Commanding-officer of a Corps,*] is immediately, on receiving such Charge, to cause the Offender, if an Officer, to be put in Arrest, if a Non-commissioned-officer or Private-man, to be put in Confinement, and shall thereon [*deliver*] to the Judge Advocate [*the Charge*] against the Prisoner, with the Names of the Witnesses thereto as aforesaid: and the Judge Advocate is hereby required, on all Occasions, and without Delay, to furnish every Prisoner to be tried by a General Court Martial with a Copy of the Charge, and the Names of the Witnesses against him, and to demand from him a List of the Witnesses to be produced by him in his Defence: and the said Judge Advocate is then further required, to deliver to the Adjutant of the Corps to which the Prisoner belongs, the Names in Writing of all the Witnesses to be produced on both Sides, in order that they may be summoned as by this Act is directed. [By No. 511, S. 4. Court Martial

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Martial is empowered to direct Judge Advocate to enquire, personally, of the Commander-in-Chief respecting the Authenticity of the Copy of the Charge, if Doubt arise.]

LIV. And be it enacted and ordained by the Authority aforesaid, That the Commissioned-officers of every Regiment or Corps of Militia, may, by the Orders and Appointments of their Colonel, or Commanding-officer, hold Regimental Courts Martial for the enquiring into such Offences, Crimes, and Disputes, as are not directed to be tried by a General Court Martial: which Regimental Courts Martial shall have, and are hereby declared to have, full Power and Authority to sit,—and, if necessary, to adjourn from time to time,—in order to hear, try, and determine all such Offences, Crimes, and Disputes, or other Matters, as may come before them, and to punish the Offenders therein, by Fine or Imprisonment, and are hereby also authorized and required to summon all Persons, as Witnesses or otherwise, necessary thereto: Provided always, That no Regimental Court Martial shall consist of less than five Officers; and that the President thereof shall not be under the Degree of a Captain; and that the Members give Judgment by a Majority of Voices; and, in all other their Proceedings, shall govern, and conduct themselves by the Proceedings and Customs of Regimental Courts Martial in His Majesty's Army: And provided also, That no Sentence shall be executed till the Colonel, or Commanding-officer in the Corps, shall, in Writing, have confirmed the same.

LV. And be it enacted and ordained by the Authority aforesaid, That it shall and may be lawful for the Captain-General or Commander-in-Chief of the *Leeward* Islands for the time being, to appoint, from time to time, some fit Person to be Judge Advocate (with a Power of appointing a Deputy) for all the Corps of Militia in this Island; which said Judge Advocate, or his Deputy, is hereby authorized and empowered to act in his said Capacity, and to prosecute, in His Majesty's Name, all Offenders that may be tried by General Courts Martial hereafter to be held, and in all respects to act as the Judge Advocate of His Majesty's Army, or his Deputy, usually do act: and the said Judge Advocate, or his Deputy, shall, at the Breaking-up of each General Court Martial, which he shall attend, in his said Capacity, be intitled to such Fee as the said Court shall think adequate to his Trouble, and shall agree upon and direct: which Determination shall be made by the Majority of Voices, and shall be inserted as Part of the Proceedings

Commissioned-officers of Corps may hold Regimental Courts Martial for Offences not directed to be tried by General Courts Martial:— Powers of Regimental Courts Martial.

Regimental Courts Martial to consist of five Officers, *min.* President, Judgment by Majority. Proceedings as in Army. Sentence to be confirmed by Commanding-officer.

Captain-General or Commander-in-Chief of L. I. to appoint JUDGE ADVOCATE.

His Powers and Duty.

Court to settle Judge Advocate's Fee:

[See Proviso, *infra*.]

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to be paid by
Treasurer, on
President's
Order.

President not
giving Order
in ten Days,
to pay out of
his private
Funds.

By No. 511,
S. 5. Judge
Advocate's Fee
to be 4l. min.
6l. 12s. max.

Not to be paid
by Treasurer,
if paid out of
Fines.

Judge Advoca-
te, and De-
puty, convict-
ed by General
Court Martial
of Failure in
Duty, to be
discharged or
otherwise pu-
nished:

If dismissed,
incapable of
serving again.

See, respect-
ing General
Court Mar-
tial, No. 511,
S. 2.

Where Offi-
cers of Corps
deficient,
Command-
ing-officer
may summon
(by Adjutant)
Officers of
other Corps,
to make up
Court Mar-
tial.

ings of the Court; and the Treasurer of this Island, or his lawful Deputy, for the time being, is hereby authorized and required to pay such Fee to the Order of the President of the Court; which Order, with a Receipt thereon, shall be a sufficient Voucher to the said Treasurer, or his Deputy, for the Sum therein specified, in passing his Public Accounts: And if any President of a Court Martial shall neglect or refuse to give such Order to the said Judge Advocate, or his Deputy, upon Demand thereof being made, within ten Days after he shall be entitled to the same, as aforesaid, such President of a Court Martial shall be liable for, and pay the same out of his own Pocket; and the same shall not in such Case, be paid by the Treasurer, or his Deputy, on account of the Public, any Thing in this Law to the contrary notwithstanding: Provided always, That such Fee shall never exceed, or be more than five Pounds for each Day the said Judge Advocate, or his Deputy, shall attend a Court Martial, and officiate therein in his said Capacity: Provided also, That the President of such Court Martial shall not draw upon the Treasurer for the Judge Advocate's Fee, when the same shall have been satisfied out of the Fine or Fines imposed by such Court Martial: And provided also, That every such Judge Advocate, and his Deputy, shall, for wilful Neglect or Delay, in the said Office, or other improper Conduct, be liable to be tried by a General Court Martial, and, being convicted of the Charge against him, shall be discharged from his said Office, or suffer such other Punishment as the said Court by their Sentence shall direct; and every Judge Advocate, and his Deputy, being once dismissed from his said Office by the Sentence of a Court Martial, shall be, and is hereby declared to be incapable of being again appointed thereto; any Thing in this Act to the contrary notwithstanding.

LVI. And be it enacted and ordained by the Authority aforesaid, That every Delinquent liable to be tried by a Court Martial, shall be tried by the Officers of the Corps to which such Delinquent shall belong; but if there shall not be a sufficient Number of Officers of that Corps upon this Island, or who, being upon this Island, shall not be able to attend, it shall and may be lawful for the Colonel, or Commanding-officer, of such Corps, by Warrant under his Hand and Seal, directed to the Adjutant thereof, to summon so many Officers of any of the other Corps of Militia, as will be necessary to make up the Number appointed for a Court Martial by this Law: Provided always, and it is hereby expressly declared, That the Officers so to be

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be summoned shall be those who reside nearest the Place where the Court Martial is to sit, and who will be the least incommode~~d~~ by attending thereon.

Nearest Officers to be summoned.

LVII. And be it enacted and ordained by the Authority aforesaid, That all Courts Martial shall be held as near as possible to the Place appointed for the monthly Exercising of the Corps to which the Delinquent or Delinquents shall belong, and such as shall be, in the Opinion of the Colonel or Commanding-officer of the Corps, the most convenient for the Purpose; and all Officers of the same Rank, upon Courts Martial, whether of the same Corps or not, shall take their Places according to the Dates of their respective Commissions, and not otherwise; and, in giving their Opinions,—upon all Occasions,—the youngest Member shall vote first, and so on to the eldest; and every Officer, and other Person, who shall neglect or refuse to attend as a Member of a Court Martial, either at the first Sitting, or at any Adjournment thereof, or as a Witness thereon, when duly summoned, shall forfeit and pay the Sum of *ten Pounds, current Gold and Silver Money, to be recovered and* applied in the same Manner as Fines for Non-appearance on monthly Field-days are by this Law directed to be recovered: Provided always, that every Officer and other Person who shall be nominated to sit as a Member of a Court Martial,—by his own, or any other Colonel or Commanding-officer of a Corps of Militia, (properly authorized to make such Nomination,)—or to attend thereon as a Witness; shall have Notice in Writing, from the Adjutant appointed to summon the Members of the Court, of the Time and Place appointed for the Sitting thereof; which Notice, being personally served, or left at the last Place of Abode of such Officer, or other Person, nominated and required to attend as aforesaid, at least twenty-four Hours before the Sitting of the Court, shall be deemed sufficient Notice thereof.

Court Martial to sit in nearest Place to Parade, deemed convenient by Commanding-officer.

Members of same Rank to take Precedency by Date of Commissions.

Youngest to vote first.

By No. 511. S. 6. Members or Witnesses failing to attend, to forfeit 50*l.*; recovered as therein directed; applied as in S. 9. of this Act

Member, or Witness, to have twenty-four Hours Notice in Writing, from Adjutant.

LVIII. And be it enacted and ordained by the Authority aforesaid, That every Person who shall use menacing Words, Signs, or Gestures, in the Presence of a Court Martial then sitting,—or shall cause any Disorder, or Riot, so as to disturb their Proceedings,—shall be punished at the discretion of the said Court Martial; and if any Officer, or Private-man, shall presume to draw his Sword, or any other Weapon, in the Presence of a Court Martial then sitting, he shall be immediately tried for the same, and suffer such Punishment as the said Court Martial shall, by their Sentence, inflict; and all Members of Courts Martial are hereby required to conduct themselves with the Decency, and Attention suitable to such Occasions,

Person menacing Court Martial by Word, Sign, or Gesture; or behaving riotously; punishable at Discretion of Court.

Members to be decorous and attentive.

on pain of being tried, for behaving in a Manner unbecoming the Character of Officers and Gentlemen.

Person aggrieved may appeal from Regimental to General Court Martial;

Commanding-officer to stay Execution of Sentence.

General Court Martial may add to Sentence.

Appellant liable to Sentences of both Courts.

Additional Sentence not to be heavier than first.

General Court Martial may release Appellant from Sentence of Regimental Court Martial altogether; or discontinue Confinement; or mitigate Sentence.

Limitation of Appeals.

Delinquent resisting Execution of Sentence of Court Martial; or attempting to escape; and his Abettors, to be tried by Court Martial.

LIX. And be it enacted and ordained by the Authority aforesaid, That any Person who shall think himself aggrieved, by the Determination of a Regimental Court Martial, may, and is hereby declared to have Liberty to appeal therefrom, to a General Court Martial; in which Case, the Colonel or Commanding-officer, to whom the Sentence of the said Regimental Court Martial is to be reported for his Determination thereon, is hereby required to stay the Execution of the said Sentence, until the said Appeal can be heard; and if the General Court Martial, to whom the said Sentence shall be referred, shall find such Appeal to be frivolous, or malicious, it shall and may be lawful for the said General Court Martial, by the Sentence thereof, to add to the Sentence of the Regimental Court Martial, in such Manner as shall be determined upon; and the said Appellant shall, and is hereby declared to be liable to the Sentences of both Courts: Provided always, that the additional Sentence of the General Court Martial be not more, or greater than the Sentence of the Regimental Court already passed: And if the General Court Martial, to whom, upon an Appeal, the Sentence of a Regimental Court Martial shall be referred, shall find the same unjust, or too great, and the Appellant thereby aggrieved; the said General Court Martial shall, and is hereby declared to have full Power and Authority, by their Sentence, to release the said Appellant, altogether, from the Sentence of the Regimental Court Martial; or to discharge him from Confinement, or to mitigate, or lessen the said Sentence, in such Manner as the said General Court Martial shall think proper: Provided always, that no Appeal from the Sentence of a Regimental Court Martial shall be allowed, unless the Prisoner be sentenced to pay more than the Sum of ten Pounds, current Money, and to be imprisoned more than thirty Days, whether such Sentence be either for Fine, or Imprisonment only, or for Fine and Imprisonment together.

LX. And be it enacted and ordained by the Authority aforesaid, That every Delinquent, who shall resist an Adjutant,—or the Men assisting him,—in the Execution of any Sentence of any Court Martial; or, who, being in Custody of a Guard ordered to conduct such Delinquent to, or from any Place of Confinement, shall endeavour to rescue himself, or make his Escape; and every other Person who shall assist any Delinquent in resisting such Sentence, or in attempting to rescue him, or make his Escape, shall be tried for such Offence

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Offence by a Court Martial, and being thereof convicted, shall be punished as the said Court Martial by their Sentence shall direct.

LXI. And be it enacted and ordained by the Authority aforesaid, That every Delinquent ordered by his Commanding-officer to be confined before Trial, shall be sent to *Great George Fort*, or *James Fort*, which ever shall be nearest; and that all Delinquents, ordered by Sentences of Courts Martial to be confined, shall be sent either to *Great George Fort*, or *James Fort*, or the Common Jail, as shall, by the said Sentences be directed; there to be delivered into the Custody of the Gunner, or Jail-keeper, as the case may be; and if the Gunner of either of the said Forts, or the Jail-keeper for the time being, shall refuse to receive any Delinquent or Delinquents sent to be confined before Trial, or in pursuance of the Sentence of any Court Martial, or, after receiving any such Delinquent, or Delinquents, shall suffer him, or them to escape, the Colonel, or Commanding-officer, of the Corps, to which such Delinquent or Delinquents shall belong, is hereby required, on due Proof made to him of such Refusal or Neglect, to issue a Warrant, under his Hand and Seal, to the Adjutant of his Corps, directing him to apprehend such Gunner, or Jail-keeper; and, when apprehended, the said Colonel, or Commanding-officer, shall cause the Offender to be brought before the Court Martial summoned or to be summoned, for the Trial of the Delinquent, or Delinquents above mentioned; and such Gunner or Jail-keeper, being convicted of such Refusal or Neglect, shall be punished as the said Court Martial, by their Sentence, shall direct: Provided always, That no Delinquent or Delinquents shall be sent to either of the said Forts, or to the Common Jail, without a Warrant from the Colonel or Commanding-officer of the Corps to which such Delinquent or Delinquents shall belong; which Warrant shall recite his, or their Crime or Crimes, or the Sentence of the Court Martial, as the Case may be, and shall be under the Hand and Seal of the said Colonel, or Commanding-officer, and directed to the Gunner of the Fort, or the Keeper of the Jail, to which the said Delinquent or Delinquents shall be sent; and every Delinquent so confined, either in the said Forts or in the Jail, shall be allowed, by the Gunner, or Jail-keeper, one Pound of Bread, and one Pound of Beef, with a reasonable Quantity of Water, for every twenty-four Hours: And upon receiving a Certificate from the Colonel or Commanding-officer of the Corps to which such Delinquent shall belong, of the Number of Days such Delinquent was confined, (which Certificate the said Colonel or Commanding-officer is hereby required

Delinquents to be, before Trial, confined in *Fort George*, or *Fort James*; afterwards, according to Sentence, in *Fort George*, *Fort James*, or Common Jail. Gunner or Jail-keeper refusing to receive Delinquents; or suffering them to escape; to be apprehended by Warrant to Adjutant; and tried by Court Martial.

No Delinquents to be sent to Confinement without Warrant from Commanding-officer. FORM of Warrant;

Delinquent confined, to receive from Jailer every 24 Hours, 1^{lb}. of Bread, 1^{lb}. of Beef, and sufficient Water.

To be paid for by Treasurer, at the Rate

Rate of 2s. per day for each Prisoner subsisted.

Gunner, or Jail-keeper, convicted before Justice, of not providing Subsistence for Prisoner, to forfeit 20s. per Day: recoverable by Distress:

if Distress insufficient, to be imprisoned till Payment.

Jail-keeper, or Gunner, refusing to discharge Prisoner when legally required; to forfeit 20l. for every 24 Hours of Detention.

No Commissioned-officer to be cashiered, but by General Court Martial; Fine to be paid immediately, (except on Appeal,) to President for Uses in Act. Delinquent not paying, to be committed to Jail, till Payment of Fine and Charges.

to give to the said Gunner, or Jail-keeper upon demanding the same,) the Treasurer of this Island, or his Deputy, for the time being, is hereby authorized and directed to pay to the said Gunner, or Jail-keeper, two Shillings *per* day for each Man confined, and for whom the said Allowance was found as aforesaid: And such Gunner or Jail-keeper, for each day such Allowance of Bread, Beef, and Water, shall not be by him provided, and delivered to each Delinquent, upon being thereof convicted, upon Oath, before any one of His Majesty's Justices of the Peace for this Island, shall forfeit twenty Shillings to the use of each Delinquent not provided-for; which Penalty, if it is not immediately paid, shall be levied by Distress, and Sale of such Gunner's, or Jail-keeper's, Goods and Chattels, by Warrant under the Hand and Seal of such Justice, directed to any Constable, rendering the Overplus (if any) on Demand, after deducting the Charge of such Distress and Sale, to such Gunner or Jail-keeper upon whom such Distress shall have been made; and if the Goods and Chattels of such Gunner, or Jail-keeper, shall not be sufficient to answer such Distress, such Justice is hereby required to commit such Gunner, or Jail-keeper, to the Common Jail, or to either of the said Forts, as the Case may require, there to remain until the said twenty Shillings *per* Day to each Delinquent shall be paid: And if the Keeper of the Jail, or the Gunner of either of the said Forts, shall refuse to deliver-up, or release any Delinquent, when legally required so to do, such Gunner or Jail-keeper shall forfeit and pay the Sum of twenty Pounds, current Gold and Silver Money, for every twenty-four Hours each Delinquent shall have been illegally detained; to the use of the said Delinquent; to be recovered in the same Manner, as the last mentioned Penalty of twenty Shillings *per* Day, is hereby directed to be recovered.

LXII. And be it further enacted and ordained by the Authority aforesaid, That no Commissioned-officers (Adjutants excepted) shall be cashiered, but by the Sentence of a General Court Martial; and that every pecuniary Fine imposed on a Delinquent, by the Sentence of a Court Martial, shall be immediately paid,—on the Sentence being declared (except on an Appeal,—) into the Hands of the President of the Court, to be by him applied, as by this Act is directed; and every Delinquent who shall refuse, or be unable to pay down the Fine imposed on him, shall be committed to the Common Jail, by Warrant directed to the Provost Marshal, or his Deputy, under the Hand and Seal of the Commanding-officer of the Corps to which such Delinquent shall belong, and shall there remain until the said Fine, and all Charges of Commitment, are fully paid and satisfied.

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LXIII. And be it enacted and ordained by the Authority aforesaid, That, in all Times of General Alarm, by Night or by Day, and at any other Time, when Martial Law shall be in force over all the fixed resident Inhabitants of this Island; all Strangers and transient Persons being thereon, or on any of the Islands adjacent and thereunto belonging, or within any of the Ports, Roads, or Harbours thereof, and not belonging to His Majesty's Navy, or Army, or Dock-yard at *English Harbour*, shall also, and are hereby declared to be subject to the same Law: and all such Strangers and transient Persons, being Masters, Mates, or other Officers or Mariners, of any Ships not being fit to go to Sea, shall appear and do Duty, upon such Occasions, at the Fort nearest to the Place where the Vessels they belong to shall happen to be; and all such other Strangers and transient Persons, shall appear and do Duty in any of the Corps of Militia, under the Pains and Penalties of Martial Law.

In Alarms, and when Martial Law is in force over fixed Inhabitants; Strangers not belonging to Navy, Army, or Dock-yard, to be liable to Martial Law.

Masters and Mariners to repair to Forts; other Strangers to act in Militia. See No. 208, S. 43. 44. 45.

LXIV. And be it enacted and ordained by the Authority aforesaid, That it shall and may be lawful for any Person, to whom any Warrant shall be directed, by virtue of this Act, to levy any Fine or Forfeiture hereby imposed, and of which his Fines and Charges are not already fixed and settled;—to retain to himself, out of the Sum levied, at and after the Rate of eight *per Centum* for his Trouble in the same, together with all such other reasonable Charges as shall be allowed and certified, by the Person by whom the Warrant shall be issued.

Person executing Warrant for Levy of Fine imposed by Act, to retain 8 *per Cent.* and reasonable Charges certified.

LXV. And be it enacted and ordained by the Authority aforesaid, That if any Justice of the Peace,—or Provost Marshal, or his Deputy, shall refuse, neglect, or wilfully delay, upon Application to him or them respectively made, to do any Thing required of them by virtue of this Law; such Justice of the Peace, or Provost-marshal, or his Deputy, shall forfeit and pay the Sum of one hundred Pounds, current Gold and Silver Money; to be recovered in any Court of Record in this Island, by Bill, Complaint, Information, or Action of Debt, wherein no Essoin, Protection, or Wager of Law, shall be allowed; one Moiety whereof shall go to the Use of the Person who shall sue for the same, and the other Moiety shall be paid into the Treasury of this Island, and applied towards the defraying the Expenses of the Militia thereof; and if any Constable shall refuse or neglect, or wilfully delay to do any Thing required of him by virtue of this Law, such Constable so offending, being thereof convicted upon Oath, before one or more Justice or Justices of the Peace,

Justice of Peace, or Marshal, failing to execute Act; to forfeit 100*l.* Currency; recoverable by Information or Action.

Half to Person suing; half to Treasury towards Militia.

Constable failing in Duty, to forfeit 10*l.* to be applied as preceding Penalty.

If Penalty not paid, to be recovered by Distress; if Distress insufficient, Offender to be imprisoned.

Act a Public Act.

Party sued for executing Act, may plead General Issue.

Plaintiff, to pay double Costs.

Treasurer to get 50 Copies of Act and Appendix printed;

to be distributed as in Clause.

Commanding-officer to have Act read at head of Corps, on Receipt of Copy.

Treasurer to retain 2*l.* 10*s.* per Cent. on Money received, for his additional Trouble.

Peace, shall forfeit and pay for every such Offence, the Sum of ten Pounds, current Gold and Silver Money, to be paid into the Treasury of this Island, and applied as above; and if such offending Constable shall not immediately pay such Penalty, the same shall be levied by Distress and Sale of his Goods and Chattels, by Warrant under the Hand and Seal, or Hands and Seals of such Justice or Justices, directed to any other Constable, rendering the Overplus (if any) on Demand, after deducting the Charges of such Distress and Sale, to such Offender, upon whom such Distress shall have been made, as aforesaid; and for want of sufficient Distress, such Justice, or Justices, shall commit such offending Constable to the Common Jail, there to remain until the said Penalty shall be paid.

LXVI. And be it enacted and ordained by the Authority aforesaid, That this Act shall be deemed a Public Act, and all Judges, Justices, and Juries, are hereby required to take Notice thereof accordingly; and that if any Person or Persons shall be, at any time or times hereafter, sued, by any Person or Persons, for any Thing done by him or them, in pursuance thereof, he or they shall, and may plead the General Issue, and give this Act in Evidence for his, or their Defence; and in case such Action shall be found against the Plaintiff, or if the Plaintiff shall be barred, become non-suited, or discontinue his Suit, such Plaintiff shall pay double Costs.

LXVII. And be it enacted and ordained by the Authority aforesaid, That the Treasurer of this Island, or his lawful Deputy, as soon after the Publication of this Act as may be, shall get fifty Copies of the same, together with the Proceedings of the Council of War, to be held by virtue thereof, printed in a small pocket Size, at the public Expense; to be distributed to the Captain-General, and Lieutenant-General of the *Leeward* Islands, the Lieutenant-Governor, and President of the Council of this Island, to the Members of the said Council, and to the Members of the Assembly, to the Field-officers, and Adjutants of all the Corps of Militia, and the Judge Advocate of the same, or his Deputy: And the Commanding-officer of each Corps of Militia, is hereby required to cause the same to be publicly read at the head of his Corps, on the first monthly-Field-day which shall happen next after he shall receive one of the said printed Copies.

LXVIII. And be it further enacted and ordained by the Authority aforesaid, That it shall and may be lawful, for the said Treasurer to take, and retain to and for his own Use, as a Recompense for the additional Trouble created to him by this Act, at and after the Rate of

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of two Pounds and ten Shillings *per Centum*, for all and every Sum and Sums of Money, received according to the ~~Directions~~ of this Act.

LXIX. And be it enacted and ordained by the Authority aforesaid, That this Act, shall continue and be in force for *three Years*, from the Publication thereof; and from thence to the next Meeting of the Council and Assembly.

*Act in force by
No. 594, S. 1.
for one Year,
from 16th
June, 1803,
and till the
Meeting of the
Houses.*

Dated at *Antigua*, this thirtieth Day of *March*, in the Year of our Lord one thousand seven hundred and ninety-three, and of His Majesty's Reign the thirty-third.

THOMAS FREEMAN, *Speaker*.

Passed the Assembly, this twenty-sixth Day of *March*, one thousand seven hundred and ninety-three.

Passed the Council, this twenty-sixth Day of *March*, one thousand seven hundred and ninety-three.

ANTHONY BROWN,
Clerk of the Assembly.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

WILLIAM (L. S.) WOODLEY.

ANTIGUA. Published this first Day of *April*, one thousand seven hundred and ninety-three.

ROBERT CLOGSTOUN, *Dep. Pro. Marshal.*

APPENDIX

APPENDIX to No. 485.

The PROCEEDINGS of a
COUNCIL OF WAR,

ASSEMBLED IN PURSUANCE OF THE PRECEDING ACT.

ANTIGUA. At a Council of War held at the Court-House in the
 Town of *St. John*, on *Thursday* the 18th of *April*, 1793.

Present,

The Honourable EDWARD BYAM, Esq.

*President of His Majesty's Council, and Commander in Chief for the
 time being;*

Colonel DOVER,
 Colonel CLOGSTOUN,
 Lieut. Col. QUINLAN,
 Lieut. Col. HICKS,

Colonel TAYLOR,
 Lieut. Col. LIGHTFOOT,
 Major WARNER,
 Major HILL.

HIS Honour the President informed the Board that the Militia Law lately passed, having been published on the first day of *April*, he had in pursuance of the sixth Clause thereof, directed a Council of War to be summoned, to consider of such Matters, and to make such Orders as are required by that Law to be made by a Council of War, within a Month after such Publication, and it was there-
 upon

[I.] Ordered, That the sixth Clause of an Act, intituled, *An Act to alter, revive, and amend an Act, intituled, An Act to alter and amend an Act, intituled, An Act for regulating the Militia of this Island, and for the further Regulation of the said Militia, and fixing and appointing the Time when Martial Law shall be in force in this Island, and declaring and establishing Rules and Articles of War, for the better*
 Government

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Government of the said Militia at those Times, be now read, which being done, it was

[II.] Ordered, That the MILITIA of this Island when under Arms, do appear in the Uniforms herein-after described, and that every Officer, Non-commissioned-officer and Private-man, be allowed two Months from this Day, and no longer, to furnish himself therewith. UNIFORMS.

Red Regiment.

That the Uniform of the Red Regiment be as follows, *videlicet*: Red Regiment.

Commissioned-officers.

Coats to be made of scarlet Cloth, with Lappels to the Waist, round Cuffs, and turn-down Capes; the Lappels, Cuffs and Capes, to be of black Velvet two Inches broad. The Buttons to be double-gilt and plain, except a Figure (1) raised in the Center. The Lining to be white Linen. Four Buttons on the Cuffs. Cross Pockets, with four Buttons to each. A Gold Epaulette on the right Shoulder.

White Waistcoats and Breeches.

Plain black Hats; with black Silk Bands and Cockades.

Serjeants.

Coats to be made of scarlet Cloth without Lappels, with round Cuffs, turn-down Capes, and cross Pockets; the Cuffs and Capes to be of the same Cloth as the Coats, and two Inches broad. The Buttons to be plain yellow-metal. Four Buttons on the Cuffs; and, Pockets. The Lining of the Coats to be brown Linen.

White Waistcoats and Breeches.

Plain black Hats, with black Cockades.

Private-men.

Coats to be made of scarlet Cloth without Lappels, with slashed Sleeves, and no Cuffs; turn-down Capes of the same Cloth; cross Pockets. Plain, yellow-metal Buttons. Three Buttons on the Sleeves, set-on, lengthways, up the Arms; and three, on the Pockets. The Fronts and Skirts of the Coats to be lined with brown Linen.

White Waistcoats and Breeches.

Plain black Hats, and black Cockades.

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GRENADIERS.

GRENADIERS.

Officers.

The same as those of the Battalion ; except to wear two Epaulettes.

Non-commissioned-officers and Privates.

Jackets to be made of scarlet Cloth ; Lappels, turn-down Capes, and round Cuffs, of black Velvet two Inches broad. Yellow-metal Buttons, set-on two and two. Four Buttons on the Cuffs.

Lord Howe's Trowsers.

LIGHT INFANTRY.

Officers.

Jackets with slash Pockets, Lappels, turn-down Capes, and round Cuffs, of black Velvet. Buttons the same as the Officers of the Battalion : and the Jackets to have Wings, instead of Epaulettes.

Lord Howe's Trowsers.

Non-commissioned-officers and Privates.

The same as the Grenadiers, except their Hats to be ornamented as the Commanding-officer may think proper.

Blue Regiment.

Blue Regiment.

THAT the Uniform of the Blue Regiment be as follows, *videlicet* :

Commissioned-officers.

Coats to be made of scarlet Cloth, lappelled to the Waist ; round Cuffs, turn-down Capes, and cross Pockets ; the Lappels, Cuffs, and Capes to be of blue Cloth and two Inches broad. White-metal Buttons, set-on two and two. The Lining to be of white Linen. Four Buttons on the Cuffs ; and, Pockets. A Silver Epaulette on the right Shoulder.

White Waistcoats and Breeches.

Plain black Hats ; with black Silk Bands and Cockades.

Black Silk Garters, an Inch broad, to be worn below the Knees.

Serjeants.

Coats to be made of scarlet Cloth, without Lappels ; with round Cuffs, turn-down Capes, and cross Pockets ; the Cuffs and Capes to be of blue Cloth, and two Inches broad. The Buttons to be plain white-

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white-metal. Four Buttons on the Cuffs; and, Pockets. The Lining of the Coats to be white Linen.

White Waistcoats and Breeches.

Plain black Hats, and black Cockades.

Private-men.

Coats to be made of scarlet Cloth, without Lappels; with slashed Sleeves, and no Cuffs; turn-down Capes of the same Cloth; cross Pockets. Plain white-metal Buttons. Three Buttons on the Sleeves set-on lengthways, up the Arms; and three, on the Pockets. The Fronts and Skirts of the Coats to be lined with brown Linen.

White Waistcoats and Breeches.

Plain black Hats, and black Cockades.

GRENADIERS.

The Non-commissioned-officers and Private-men of the Grenadier Company, are to wear plain black Hats, ornamented as the Commanding-officer of the Regiment may direct: and their Coats to be made in the same Manner, and with the same Lappels, Cuffs, Buttons and Lining, as are ordered for the Commissioned-officers of the Regiment.

LIGHT INFANTRY.

Officers.

Short Jackets made of scarlet Cloth, with Lappels to the Waist, round Cuffs, and slashed Sleeves, turn-down Capes, and slashed Pockets. The Lappels, Cuffs and Capes to be of blue Cloth, and two Inches broad. White-metal Buttons, set-on two and two. The Lining to be of white Linen. Four Buttons on the Cuffs and Pockets. Wings on the Shoulders, instead of Epaulettes.

Non-commissioned-officers and Privates.

The same as the Officers of the Company; except small black Hats, to be ornamented as the Commanding-officer of the Regiment may direct.

Independent Company.

THAT the Uniform of the Independent Company be as follows, *videlicet*: Independent Company.

Commissioned-officers.

Coats to be made of scarlet Cloth, with Lappels to the Waist; round Cuffs, turn-down Capes and slashed Pockets; the Lappels, Cuffs,

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Cuffs, and Capes, to be of green Cloth, two Inches broad. The Buttons to be double gilt, with the Letters "A. I. C." raised on them. Three Buttons on the Cuffs and Pockets. A Gold Epau-lette on the right Shoulder.

White Waistcoats and Breeches.

Plain black Hats, with black Silk Bands and Cockades.

Black Half-boots.

Serjeants.

Coats to be made of scarlet Cloth, without Lappels; with round Cuffs, turn-down Capes, and cross Pockets; the Cuffs and Capes to be of green Cloth, and two Inches broad. The Buttons to be plain yellow-metal. Three Buttons on the Cuffs and Pockets. The Lining of the Coats, to be of brown Linen.

White Waistcoats and Breeches.

Plain black Hats, and black Silk Cockades.

Private-men.

Coats to be made of scarlet Cloth, without Lappels; with slashed Sleeves, and no Cuffs; turn-down Capes of the same Cloth; cross Pockets. Plain, yellow-metal Buttons. Three Buttons on the Sleeves, set-on lengthways; and three, on the Pockets. The Fronts and Skirts of the Coats to be lined with brown Linen.

White Waistcoats and Breeches.

Plain black Hats, and black Silk Cockades.

Squadron of Dragoons.

Squadron of
Dragoons.

THAT the Uniform of the Squadron of Dragoons, be as follows, *videlicet*:

Commissioned-officers.

Coats to be made of scarlet Cloth, without Lappels; round Cuffs, the Sleeves not slit; standing Capes; long Pockets without Slits; and cross Pockets in the Lining; the Capes to be turned-back with blue Cloth; the Cuffs to be turned-up with the same, and two Inches broad. Plain, gilt Buttons. One Button on the Cuffs: and three on the Sleeves, set-on lengthways up the Arm. Button-holes on each Side the Front. Four Buttons to the Pockets. Double Button-holes on the Cuffs. Sleeves and Pockets to slant a little upwards. A small Button and Button-hole on each Turn-back of the Capes. Two Button-holes on each of the Slits behind. The Fronts and Skirts to be lined with white Linen. The Coats to reach to

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to the Bend of the Knee, and no lower. The front and back Skirts to hook together at the Corners. A Gold Epaulette on each Shoulder. The Officers may, if agreed to by themselves, have gold embroidered or laced Button-holes on their Coats.

White Waistcoats and Breeches.

Black Hats with plain gilt Buttons, Gold Loops and Bands, and black Silk Cockades.

Hussar Boots, and Silver Spurs.

Non-commissioned-officers.

Coats to be made of scarlet Cloth, and in the same Manner as ordered for the Commissioned-officers; and to be laced with Gold Braid an Inch broad; and the Button-holes to be laced with the same half as broad: the Capes to be of blue Cloth, and to turn-down two Inches, with a small Button on each Side. A Gold Epaulette on the left Shoulder; and a blue Cloth Strap laced with Gold Braid, on the right Shoulder.

Waistcoats, Breeches, Hats, Boots and Spurs, the same as ordered for the Commissioned-officers.

Private-men.

Coats the same as ordered for the Non-commissioned-officers, but without the Epaulette; a blue Cloth Strap laced with Gold Braid on each Shoulder.

Plain black Hats, plain gilt Buttons, and black Cockades.

Waistcoats, Breeches, Boots and Spurs, the same as ordered for the Commissioned-officers.

Battalion of Artillery.

That the Uniform of the Battalion of Artillery be as follows, *videlicet*:

Battalion of Artillery.

Commissioned-officers.

Coats to be made of blue Cloth, with Lappels to the Waist; round Cuffs, turn-down Capes, and cross Pockets; the Lappels, Cuffs, and Capes, to be of scarlet Cloth, and two Inches broad. Plain gilt Buttons; and Gold laced Button-holes. The Fronts and Skirts to be lined with scarlet Silk. Four Buttons on the Cuffs; and four on the Pockets. A Gold Epaulette on the right Shoulder.

White Waistcoats and Breeches.

Plain

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Plain black Hats, with gilt Buttons, Gold Bands and Loops, and black Silk Cockades.

Black Silk Garters, an Inch broad, to be worn below the Knees.

Serjeants.

Coats the same as ordered for the Commissioned-officers, with the same Buttons; but without Lace on the Button-holes; and no Epaulettes. The Lining, scarlet Shalloon.

Plain black Hats, with gilt Buttons and Loops, and black Cockades.

Lord Howe's Trowsers.

Corporals, Gunners, and Matrosses.

Coats to be made of blue Cloth; with Capes and Cuffs, as ordered for the Commissioned-officers. Plain, yellow-metal Buttons; with seven Buttons on the Front, set-on one, two, and four. No Buttons on the Capes or Cuffs. The Fronts and Skirts to be lined with scarlet Shalloon. The front Skirts to be fastened back with a Button and Loop. The Corporals to be distinguished by a yellow, Worsted Knot on the left Shoulder.

Plain black Hats, with gilt Buttons and Loops, and black Cockades.

Lord Howe's Trowsers.

Pioneers.

Jackets to be made of blue Cloth, with plain, yellow, metal Buttons; turn-down Capes; and small round Cuffs. The Capes and Cuffs of scarlet Cloth. No Buttons on the Cuffs. The Fronts and Skirts lined with scarlet Shalloon.

Black round Hats.

Lord Howe's Trowsers.

HATS of each Corps to be worn uniformly.

COLOURS.

[III.] Ordered, That the HATS of each Corps be worn in an uniform Manner, as the respective Commanding-officers may order.

[IV.] Ordered, That the COLOURS for the Regiments of Foot, and the Standard for the Squadron of Dragoons, which, by the Militia Law, are to be purchased by the Treasurer, be as follows; *videlicet*.

Colours.

The King's, or first Colour of each Regiment of Foot, is to be the great Union throughout. The second Colour of the Red Regiment,

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ment, is to be the Red Cross of *St. George* in a white Field, and the Union in the upper Canton.

The second Colour of the Blue Regiment is to be blue, with the Union in the upper Canton.

In the Centre of each Colour, is to be painted, within the Wreath of Roses and Thistles on the same Stalk, such Device and Motto as the respective Commanding-officer of each Corps may direct and communicate to the Treasurer. The Colours to be Silk, and six Feet six Inches flying, and six Feet deep on the Pike. The Length of the Pike (Spear and Ferrule included) to be nine Feet ten Inches. The Cords and Tassels of both, to be Crimson and Gold mixed.

Standard.

The Standard for the Squadron of Dragoons, is to be crimson Silk; with the Rose and Thistle conjoined; and the Crown over them, in the Centre. His Majesty's Motto, DIEU ET MON DROIT, underneath. The King's Cypher in a Compartment on a blue Ground, in the first and fourth Corners: the white Horse in a Compartment on a blue Ground, in the second Corner: and the Word "ANTIGUA" in Gold Characters, in a Compartment on a blue Ground in the third Corner. The Standard to be fringed with Gold, the Tassels and Cords to be Crimson and Gold mixed. The Flag of the Standard, to be three Feet five Inches, to the End of the Slit of the Swallow Tail, without the Fringe; and two Feet three Inches on the Lance. The Lance of the Standard to be nine Feet long, Spear and Ferrule included. The Standard Belt to be blue, and double laced with Gold Braid.

[V.] Ordered, That the Arms and Accoutrements of the Militia be as follows; and that they do forthwith appear with the same when on Duty, *videlicet*.

ARMS and
ACCOUTRE-
MENTS.

RED REGIMENT.

Commissioned-officers.

The Commissioned-officers of the Red Regiment to wear small Sword Knots, crimson Silk Sashes, and gilt Gorgets.

Red Regi-
ment.

Serjeants.

The Serjeants are to carry Fusees with Bayonets, and Brass-mounted Hangers.

Private.

Private-men.

The ~~Private-men~~ are to appear, each, with a Firelock and Bayonet to fit, and a Cartridge-box to hold sixteen Cartridges. The Bayonet and Cartridge-box to be carried by black Leather Cross-belts, on the Shoulders, over the Coat.

BLUE REGIMENT.

*Commissioned-officers.*Blue Regi-
ment.

The Commissioned-officers of the Blue Regiment are to wear small Swords, Sword Knots, crimson Silk Sashes, and Silver Gorgets.

Serjeants.

The Serjeants are to carry Fusees with Bayonets, and Brass-mounted Hangers.

Private-men.

The Private-men are to appear, each, with a Firelock and Bayonet to fit, and a Cartridge-box to hold sixteen Cartridges. The Bayonet and Cartridge-box to be carried by black Leather Cross-belts, on the Shoulders, over the Coat.

INDEPENDENT COMPANY.

*Commissioned-officers.*Independent
Company.

The Commissioned-officers of the Independent Company are to wear small Swords, Sword Knots, crimson Silk Sashes, and gilt Gorgets.

Serjeants.

The Serjeants are to carry Fusees with Bayonets, and Brass-mounted Hangers.

Private-men.

The Private-men are to appear each with a Firelock and Bayonet to fit, and a Cartridge-box to hold sixteen Cartridges. The Bayonet and Cartridge-box to be carried by black Leather Cross-belts, on the Shoulders, over the Coat.

ARTILLERY.

Commissioned-officers.

Artillery.

The Commissioned-officers of the Battalion of the Artillery are to wear Hangers, Sword Knots, crimson Silk Sashes, and gilt Gorgets.

Serjeants.

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Serjeants.

The Serjeants are to carry Fusees with Bayonets, and Brass-mounted Hangers.

Corporals.

The Corporals are to carry each a Firelock and Bayonet to fit, a Brass-mounted Hanger, and a Cartridge-box to hold sixteen Cartridges.

Gunners.

The Gunners are to carry each a Linstock, a Powder-horn, and a Brass-mounted Hanger.

DRAGOONS.

Commissioned-officers.

The Commissioned-officers of the Squadron of Dragoons are to appear with Silver-mounted Pistols, Broad-swords with straight Blades, and gilt Hilts. The Pistols to be of the same Bore with the Firelocks of the Private-men. The Blades of the Swords to be an Inch broad at the upper End; and two Feet and an half long. Crimson Silk Sashes; and blue and gold Sword Knots. Their Saddles are to be made with Burrs before, without Peaks. The Housings and Caps are to be of blue Cloth, double laced with Gold Braid, and a Stripe of scarlet Cloth between the Laces. Black Bear-skin Flounces to the Caps. A Gold Tassel on each Corner of the Housings, and one on the Middle of each Cap. Silver plated Stirrups; Silver plated Bits; and Bridoons, with black Reins. The Whole to be uniform.

Non-commissioned-officers and Private-men.

The Non-commissioned-officers and Private-men are to carry, each, a Firelock and Bayonet to fit; a Cartridge-box for sixteen Cartridges; and a Pair of Pistols; the Firelock and Pistols of the same Bore;—a Broad-sword, as ordered for the Commissioned-officers. The Bayonet and Cartridge-box to be carried by cross Leather Belts over the Shoulders. They are to have plain hunting Saddles, with Holsters on a Machine, to fix-on by the Surcingle. Black Bear-skin Flounces to the Caps; the Caps and Housings to be blue Cloth; those of the Non-commissioned-officers, to be singly laced with Gold Braid an Inch broad; those of the Private-men, to have blue Mohair Fringe. Bridles with curbed Bits, and single

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Reins. ~~Leather Links under the~~ Bridles. Leather Buckets hung to the right Side of the Saddles, for carrying the Firelocks.

Size and Qua-
lity of FIRE-
LOCKS, &c.

[VI.] Ordered, That the Firelocks, Bayonets, and Cartridge-boxes to be used by the Militia, be those which are by Law directed to be purchased from the Treasurer, or others of equal Size and Quality. [By No. 545. S. 10. Commandant is empowered to propose Alteration of ARMS to a Council of War.]

PLACES OF
PARADE.

[VII.] Ordered, That the Places of Parade for the Militia, on Field-days, be as follows, *videlicet* :

Red Regi-
ment.

The Red Regiment at the Pasture in the Plantation called *Rock Hill*, in the Division of *Willoughby Bay*.

Blue Regi-
ment and
Dragoons.
Artillery.

The Blue Regiment, and Squadron of Dragoons, in the Govern-
ment Land adjoining to the Town of *Saint John's*.

The Artillery in the Street on the North Side of the Court-house in *Saint John's*.

Independent
Company.

The Independent Company of Foot at the Pasture in the Planta-
tion of *John Brooke, Esq.* deceased, in the Division of *Old Road*.

FIELD DAYS.

[VIII.] Ordered, That the Field-days for the Militia be as fol-
lows, *videlicet* :

Blue Regi-
ment.

The Blue Regiment, on the FIRST *Saturday* in every Month.

Red Regi-
ment and Ar-
tillery.

The Red Regiment and Battalion of Artillery, on the SECOND
Saturday in every Month.

Dragoons.

The Squadron of Dragoons, on the THIRD *Saturday* in every
Month.

Independent
Company.

The Independent Company of Foot, on the FOURTH *Saturday* in
every Month.

ESTABLISH-
MENTS.

[IX.] Ordered, that the Establishment of Commissioned, Non-
commissioned, and Staff Officers for the different Corps of Militia
be as follows, *videlicet*.

RED REGIMENT.

By No. 574,
S. 2. the Li-
mitation of one
Colonel to a
Regiment not
to prevent
Captain-

Colonel.....	one.
Lieutenant-Colonel.....	one.
Major.....	one.
Captains.....	four.
	Lieutenants

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Lieutenants	nine.
Ensigns	five.
Chaplain	one.
Adjutant	one.
Surgeons	two.
Serjeants	fourteen.
Corporals	fourteen.
Drummers	seven.

*Captain-Ge-
neral from as-
suming, at
Pleasure, the
Command of
any Regiment
of Militia, as
Colonel.*

BLUE REGIMENT.

Colonel	one.
Lieutenant-Colonel	one.
Major	one.
Captains	five.
Lieutenants	ten.
Ensigns	six.
Chaplain	one.
Adjutant	one.
Surgeons	two.
Serjeants	sixteen.
Corporals	sixteen.
Drummers	eight.
Fifers	two.

SQUADRON OF DRAGOONS.

Major	one.
Captains	two.
Lieutenants	three.
Cornets	three.
Adjutant	one.
Surgeon	one.
Serjeants	six.
Corporals	six.
Drummers	three.
Trumpeters	three.
Fifers	three.

INDEPENDENT COMPANY.

Major	one.
Captain	one.

D d 3

Lieutenants

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Lieutenants	four.
Adjutant	one.
Surgeon	one.
Serjeants	two.
Corporals	two.
Drummer	one.

BATTALION OF ARTILLERY.

Colonel	one.
Lieutenant-Colonel	one.
Major	one.
Captains	three.
First Lieutenants	three.
Second Lieutenants	three.
Lieutenant Fireworkers	three.
Chaplain	one.
Surgeon	one.
Quarter Master	one.
Adjutant	one.
Serjeants	three.
Corporals	three.
Gunners	eighteen.
Drummers	three.
Fifers	two.

VERGES of
the Corps of
Foot.

[X.] Ordered, That the Verges, or Districts, of the three Corps of Foot be as follows, *videlicet*.

RED REGIMENT.

The Men who live in the Divisions of *Old North Sound*, and *Mercer's Creek*; and Town of *Parham*; and in the Divisions of *Belfast*, *Nonsuch*, and *Willoughby Bay*; and in *Bridge Town*; and in the Division and Town of *Falmouth*.

BLUE REGIMENT.

The Men who live in the Division, and Town of *Saint John*; in the Divisions of *Dickinson's Bay*, *Popeshead*, *New North Sound*, and *Five Islands*; and in *New Division*, except those who reside on the Plantations of Messrs. *LEDWELL* and *SCOTT*, and of *CALLAGHAN M'CARTY*, deceased, in *New Division*.

INDEPENDENT

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INDEPENDENT COMPANY.

The Men who live in the Divisions of *Rendezvous Bay*, *Old Road*, and *Bermudian Valley*, and those who reside on the Plantations of Mess^{rs}. LEDWELL and SCOTT, and of CALLAGHAN M'CARTY, deceased, in *New Division*.

[XI.] Ordered, That the Clerk of this Board do furnish the Treasurer with a Copy of the Proceedings of this Day, in order that he may get the same *printed*, as directed by the Militia Law.

[XII.] Ordered, That this Board be adjourned till further Summons.

SAMUEL WARNER, Clerk.

An Act to revive and continue an Act, intituled, An Act No. 486. for the better regulating of small Vessels; and MADE PERPETUAL, with Act of 23d Oct. 1773, (No. 351) by Act of 24th Jan. 1803, (No. 571.) preventing Escapes of Debtors from this Island; and also to extend the same, to prevent more effectually the Escapes of fugitive Slaves from the said Island, and other Mischiefs likely to ensue.

WHEREAS an Act, intituled, *An Act for the better regulating of small Vessels; and preventing Escapes of Debtors from this Island*, made and passed and published in the Year of Our Lord one thousand seven hundred and seventy-two, for and during the Term of one Year from the Date of the Publication thereof, and from thence to the then next Meeting of the Council and Assembly; and which said Act hath been afterwards continued and revived, at various Times, by divers Acts, but did at length expire, on the Meeting of the Council and Assembly which next followed the twenty-first Day of January, which was in the Year of Our Lord one thousand seven hundred and ninety, and hath never since been continued or revived, although the same hath been always found very beneficial to the Commerce of this Island; We, therefore, Your Majesty's most dutiful, loyal, and obedient Subjects, the Governor-in-Chief of all Your Majesty's *Leeward Caribbee Islands in America*, and the Council and Assembly of this Your Majesty's Island of *Antigua*, do most humbly

No. 345, dated 22d August.

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No. 486.

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ACT.
No. 351, to be
in force for
Term menti-
oned in S. 11.

humbly pray Your Most Excellent Majesty, that it may be enacted and ordained: and be it, and it is hereby enacted and ordained by the Authority aforesaid, That the said Act, and all other the Acts for reviving and continuing the same, and all and every Matter, Clause, and Thing therein contained, shall stand revived, and shall continue in full force and effect, from the Day of the Publication hereof, for and during the Term herein-after mentioned.

Boat not decked, or under fifteen Tons, (not registered according to British Act of 26 Geo. 3. Cap. 60;) to have Name of Owner painted on Stern.

If Boat belong to Ship registered, Name of Ship to be painted on Stern.

Owner of Boat,—not possessing Freehold of 20l. per Annum, or Leasehold Plantation; or not being a resident Merchant Importer,—

II. And whereas many great Inconveniencies have, already, arisen, and may, shortly hereafter, be increased to a very alarming Degree; by the easy Manner in which fugitive Slaves may be inticed and carried away from their Owners, and stolen Goods and Live Stock be also clandestinely conveyed from hence; through the very unguarded Manner in which many small Boats and Vessels are now kept, and sometimes conducted and owned by disorderly and ill-disposed Persons; be it therefore enacted and ordained by the Authority aforesaid, That all and every Person or Persons within this Island, claiming Property to any Boats or Vessels not having Decks, or not being of the Burthen of fifteen Tons or upwards, so as not to have been registered, or be comprised within and deemed subject to the Provisions and Regulations, made and entered into by a certain Act of the British Parliament, passed in the twenty-sixth Year of His present Majesty's Reign, intituled, *An Act for the further Increase and Encouragement of Shipping and Navigation*, shall, within one Calendar Month from the Day of the Publication hereof, paint or cause to be painted, in white or yellow Letters, of a Length not less than two Inches, on a black Ground, in some conspicuous Part of the Stern, the Name of the Owner of such Boat or Vessel:—Provided the same shall not belong to any trading Ship or Vessel already registered, pursuant to the herein recited Act of Parliament, or to any other Droughers:—but that in case that any Boat or small Vessel shall belong to such trading Ship or Vessel so registered, or Drougher, that then, in lieu of the Name of the Owner, the Name of such trading Ship or Vessel so registered, or Drougher, shall be painted on such Boat or small Vessel, in the Manner herein-before mentioned.

III. And be it further enacted, That if any Person or Persons, within this Island, not being possessed of a Freehold of twenty Pounds yearly Value, or upwards,—or not being possessed of a Leasehold Term of Years of a Sugar Plantation,—or not being a Merchant or Merchants resident, and Importers of Goods and Commodities from other Places,—shall own or claim Property to any Boat,

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Boat, Petiagua, or Canoe, or any other Kind of Vessel, by any other Name or Description whatsoever, and not comprized within the Class of Vessels required by the said Act of Parliament to be registered,—that such Person or Persons shall, within one Calendar Month after the Publication hereof, give-in and lodge, at the Secretary's Office of this Island, a full Description of his, her, or their Boat or small Vessel, containing the true Dimensions thereof; and shall also, within the said Month, paint or cause to be painted, in white or yellow Letters, on a black Ground of two Inches or more in Length, in the Stern thereof, the Name of the Owner or Owners thereof.

porter,—to lodge Description of Boat in Secretary's Office, and paint Stern.

IV. And be it further enacted, That when such Person or Persons, owning or claiming any such last-mentioned Boats or small Vessels, and not being possessed of a Freehold of twenty Pounds yearly Value, or of any of the said Qualifications hereby specified, shall have lodged the Description aforesaid, of his, her, or their Boat or small Vessel, in the said Secretary's Office, and shall have painted the Name or Names, in the Manner before required, on such Boat or small Vessel, he, she, or they shall also, within the said Month, apply to any two Justices, in the Commission of the Peace within this Island, for a Certificate under their Hands and Seals, setting-forth that such Owner or Owners is or are of a good Character and Behaviour, and worthy of being entrusted with the Care and Conduct of a Boat or small Vessel, and free from any Suspicion of violating any of the Laws extant in this Island by means of being so entrusted. And such Certificate, together with the Description so lodged, as before mentioned, in the said Secretary's Office, shall be registered in a Book to be there kept for that Purpose; and for each Registering, together with a Certificate, under the Hand of the said Secretary, or his lawful Deputy, of the same, to any Owner, who is hereby authorized to demand such Certificate, he the said Secretary may demand and receive four Shillings and six Pence, for his Trouble and Expense in providing the said Book.

Owner having lodged Description and painted Boat as in S. 3, to apply to Justices for Certificate of good Character.

Secretary, for Fee of 4s. 6d. to grant Certificate of Registry of Description and of Justices' Certificate.

V. And be it further enacted by the Authority aforesaid, That any Person being a White, or Free Person, who shall, at any time after one Calendar Month from the Publication of this Act, discover any Boat or small Vessel herein-before described, and hereby directed to be painted with the Name of the Owner, or of the trading Vessel or Drougher to which it may belong, in any of the Ports, Harbours, Creeks, Havens, Roads, or Bays in the said Island, or at Sea within

White or Free Person discovering Boat within League of Coast, not having Owner's or Ship's Name painted as in S. 2, may seize Boat.

Information
of Seizure to
be lodged
with Justice
in eighteen
Hours.

Justice to in-
sert Notice in
earliest News-
paper, for
Owner to
claim Boat in
six Days.

On failure of
Claim, Justice,
being paid Ex-
penses, to a-
ward Boat to
Person seiz-
ing.

If Claimant
appear and es-
tablish Own-
ership,—and
prove qualifi-
ed as in S. 3.
or, not qualifi-
ed, produce
Certificate of
Registry; Jus-
tice, on Pay-
ment by
Owner to Per-
son seizing of
6*l.* 12*s.* and
Expenses of
advertising, to
restore Boat.

within one League of the Coasts or Shores thereof, not having the Name of the Owner thereof, or of the trading Ship, Vessel, or Drougher to which it shall belong, painted in Manner and Form as herein-before particularly described and required; that, in such Case, any such Person or Persons shall and may, immediately, seize such Boat or small Vessel, and retain the same in his, her, or their own Custody; and shall, within eighteen Hours after such Seizure, lodge a Report or Information, upon Oath, with a Description of the Boat or Vessel, before any Justice of the Peace of the said Island.

VI. And be it further enacted, That such Justice before whom such Information shall be lodged, shall, and is hereby required and directed to issue, immediately, a Notice in Writing under his Hand, and to cause the same to be inserted in the printed Gazettes, or Newspapers, that may be soonest afterwards published: and which Notice shall contain the Substance of the Report, or Information, so lodged before him; and shall warn such Person or Persons, who can claim Property to such Boat or Vessel so seized, to appear before him at a Time appointed, within six Days from the Date of the said Notice, to establish his, her, or their Claim; and, in default of such Appearance, or in defect of Establishment of Claim within the said six Days, the said Justice shall, and is hereby required and directed to condemn the said Boat or Vessel, as an absolute Forfeiture, and to award the same, after being paid or satisfied the Expenses of advertising the said Notice, as the lawful Property of the Person or Persons lodging the said Information; and, he, she, or they are, in such Case, hereby declared to be fully vested with the true and lawful Property thereof.

VII. And be it further enacted, That if any Person or Persons shall appear, at the Time appointed by the said Justice, to lay-in his, her, or their Claim, and shall establish the same to the Satisfaction of the said Justice, and shall also prove, that he, she, or they is or are in the Possession of a Freehold or Leasehold, or is or are a Merchant or Merchants in the Manner and Degree already specified, in and by the foregoing third Section or Clause of this Act; or, not being in the Class of any of the said Qualifications or Specifications, in the said foregoing third Section or Clause, shall then produce the said Certificate of Registry under the Hand of the said Secretary, or his Deputy; then, and in such Case of Establishment of Claim, and such Proof of Qualification as aforesaid, or Production of Certificate of Registry, and not other-
wise,

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wise, the said Justice shall award and order the said Person or Persons, so appearing before him as a Claimant or Claimants, to pay immediately to the Person or Persons so lodging the Information, as a Penalty, the Sum of six Pounds twelve Shillings, current Gold and Silver Money, and the Expenses of advertising the Notice; and on such Payment of said Penalty and Expenses of advertising, the said Justice shall, then, further award Restitution of the said Boat or Vessel so seized.

VIII. And be it further enacted, That if the said Justice of the Peace, before whom such Information of Seizure shall be lodged, shall receive Evidence, on Oath, contradictory to the Allegations contained in the said Information, respecting the Defect or Omission of proper Painting on the Stern, and should be of Opinion that the said Evidence is a full Refutation of the said Allegation; that in such Case, the said Justice may award Restitution of such Boat or Vessel to the Person or Persons establishing his, her, or their Claim, without entering into any Proof or further Examination of the Qualification of such Claimant or Claimants.

If Justice receive credible Evidence on Oath, contradicting Information; he may restore Boat without examining Owner's Qualification.

IX. Provided always, and it is hereby expressly declared by the Authority aforesaid, That nothing in this Act contained, shall be construed, deemed, and taken to extend to any Boats, or small Vessels, that may belong to Ships or Vessels touching at this Island, belonging to any of the Ports of *Great Britain, Ireland*, or any other of His Majesty's Dominions, for the Purpose of landing Passengers, or taking in Refreshments, under a regular Permit, so had and obtained for that Purpose.

Act not to extend to Boats of *British* Vessels landing Passengers or taking Refreshments, under Permit.

X. And be it further enacted, That if any Justice of the Peace, before whom any Information of Seizure shall be lodged as aforesaid, and who shall have issued a Notice as aforesaid, shall be, by means of Sickness or Absence from the Island, rendered incapable of attending on the Day or Time specified in the said Notice; it shall and may be lawful for any other Justice of the Peace of the said Island, to sit, hear, and determine on the said Information, and to proceed thereon as herein-before directed, as effectually, to all Intents and Purposes, as the said Justice might or could have done, before whom the said Information was originally lodged.

If Justice issuing Notice be ill or absent; other Justice may proceed on Information.

XI. And be it further enacted by the Authority aforesaid, That this Act shall continue and be in force, for and during the Term of *three Years*, from the Date of the Publication thereof, and from thence, to the next Meeting of the Council and Assembly of this Island.

By No. 571, Act is PERPETUAL.

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Nis. 486—488.

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~~Dated~~ at *Saint Christopher's*, the eighteenth Day of *May*, in the Year of our Lord, one thousand seven hundred and ninety-three, and in the thirty-third Year of His Majesty's Reign.

THOMAS FREEMAN, *Speaker*.

Passed the Assembly, this eighth
Day of *May*, one thousand
seven hundred and ninety-
three.

Passed the Council, this fourth
Day of *April*, one thousand
seven hundred and ninety-
three.

ANTHONY BROWN,
Clerk of the Assembly.

By Command,

WILLIAM MATHEWS,
Deputy Secretary.

WILLIAM (L. S.) WOODLEY.

ANTIGUA. Duly published this twenty-third Day of *May*, one thousand seven hundred and ninety-three.

ROBERT CLOGSTOUN, *Dep. Pro. Marshal*.

No. 487. *An Act for granting an Aid of Negro Labour to His Majesty, for the Purpose of erecting Barracks, and to dig and build Tanks, and other Services in this Island.*
OBSOLETE.

Dated 30th May, 1793.

No. 488. *An Act to alter and amend An Act, intituled, An Act for cleansing and amending the Highways in this Island; and to repeal an Act for cleansing and repairing common Paths and Highways within this Island; and for building an Arch of Stone, or*
of

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A. D. 1793.

of Brick, from the Abutments on each Side of the Gut between Bermudian Valley and New Division, instead of the present Arch of Stone much decayed; and for paying the Expenses thereof; and for appointing a Committee to contract for the same.

WHEREAS by an Act of this Island, intituled, *An Act for cleansing and amending the Highways in this Island, and to repeal an Act for cleansing and enlarging common Paths and Highways within this Island*, dated the eleventh Day of August, in the Year of our Lord, one thousand seven hundred and twenty-four, and in the eleventh Year of the Reign of His late Majesty King George the Second, it is, with other Things, thereby enacted, that where it shall be thought necessary by the Way-wardens, or any two of them, in their Divisions, to build a Bridge, or repair one already built, for necessary Passage over any Gut or Hollow-way; they the said Wardens, or any two of them, are thereby empowered and authorized, to agree with and employ any Workmen, to build such Bridge of Timber only, where a Stone or Brick Bridge cannot be built for the Sum of forty Pounds; and where a small Bridge can be built of Brick or Stone, for the Sum of forty Pounds, to build the same of Brick or Stone: And whereas it hath been represented, by the Inhabitants of the Divisions of *Bermudian Valley* and *New Division*, that the wooden Bridge, commonly called *Blubber Valley Bridge*, over the Gut which separates the aforesaid Divisions, is so much decayed and out of Repair, as not to admit of a loaded Carriage to pass with Safety, and, at the present high Price of Hardwood, appears to be scarce worthy of Repair: And whereas a Brick or Stone Bridge, sufficient for making a safe, commodious, and durable Passage, for foot Passengers, Horses, Carts, and other Carriages over the said Gut, cannot possibly be built for the Sum of forty Pounds; and it is thought, that a Stone Bridge might be built, at nearly the same Cost as a new wooden Bridge; and as the Stone Bridge would be more durable, and much safer in every respect; We Your Majesty's dutiful, loyal, and obedient Subjects, the Commander in Chief of Your Majesty's *Leeward Caribbee Islands* in *America*, and the Council and Assembly of Your Majesty's Island of *Antigua*, most humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That there shall, with all convenient Speed, be

erected

ACT.
Stone Bridge
to be built
over Gut be-
tween *Bermu-
dian Valley*
and *New Di-
vision*.

Committee
named for
contracting
for Materials
and Work-
men, and
superintend-
ing Building.

Majority em-
powered to
act.

Committee to
advertise for
Proposals, &c.

Expenses not
to exceed
600/.

erected and built, at the Public Expense of this Island, a substan-
tial, safe, and commodious Stone Bridge, over the Gut which sepa-
rates the Divisions of *Bermudian Valley* and *New Division*,—in the
same Place, and instead of the present wooden Bridge, commonly
called *Blubber Valley Bridge*.

II. And for the better carrying into Execution this Act; be it
enacted and ordained by the Authority aforesaid, That the following
Member of the Council, and the three following Members of the
Assembly, being of the Representatives and considerable Proprietors
of the aforesaid Divisions of *Bermudian Valley* and *New Division*,
be a Committee for the Purpose of contracting for Stone, Lime,
Labourers, Carriage of Materials, and for planning and building the
said Stone Bridge, *videlicet*, The Honourable *John Horsford*—and
Nathaniel Marchant, *John Ffrye*, and *Robert Farquhar*, Esquires, of the
Assembly; which Committee shall be, from time to time, so long as
it may be necessary, kept up by new Appointments, when any
Vacancies in those first or afterwards appointed Members, may hap-
pen by Death, Absence, or otherwise; and a Majority of such Mem-
bers shall be, and are hereby empowered, to act in all Matters
relative to this Law, when the same is thereby required; and the
Acts and Deeds of such Majority, shall be as effectual, as if all the
said Committee had done the same: Provided always, That, in such
Majority, there shall not ever be less than one Member of the Coun-
cil, and two Members of the Assembly.

III. And be it enacted and ordained by the Authority aforesaid,
That the said Committee, or the Majority of them, as herein-before
limited, shall, as soon as convenient, issue Advertisements in the
Public Newspapers, requiring all Persons who may be willing, to
treat for supplying the necessary Materials for building the said
Bridge, and for transporting the same, by Land, or by Water Car-
riage, to the Place where the said Bridge is to be built, and for
furnishing Labourers and Workmen for building the said Bridge, to
send the Proposals in Writing to the said Committee; which Pro-
posals, when received by the said Committee, shall be by them
reported to both Houses for their Approbation; and the said Com-
mittee, when authorized by both Houses, or a Majority of the Com-
mittee, are to contract accordingly,—and, from time to time, shall
be and are hereby empowered, to draw on the Treasurer of this
Island, for the time being, for such Sum or Sums of Money, not
exceeding the Sum of six hundred Pounds, as may be necessary to
pay for all such Materials, Work and Labour: And the said
Treasurer

33d GEO. III.

No. 488.

A. D. 1793.

Treasurer is hereby authorized and required to pay the same, out of the Monies which may then or afterwards be in the Public Treasury of this Island; and such Order, signed by the Committee, or a Majority as herein-before limited, with a Receipt or Receipts thereon, shall be sufficient Vouchers to the said Treasurer, in passing his Public Accounts, for the Sum or Sums therein specified.

IV. And be it enacted and ordained by the Authority aforesaid, That the said Stone Bridge, when finished, shall be under the Care of the Waywardens, for the time being, of the Divisions of *Bermudian Valley* and *New Division*, and shall be kept in Repair and good Order, in the same Manner as the other Bridges, in this Island, are directed to be kept and repaired: And all Neglect of the said Waywardens, touching the said Bridge, shall be prosecuted and punished as for the same Offences are provided in the Cases of the said other Bridges.

Bridge, when finished, to be kept in repair, by Waywardens, as other Bridges under No. 180, &c.

V. And for the better Preservation of the said Stone Bridge, be it further enacted and ordained by the Authority aforesaid, That the said Waywardens shall have Power, whenever they think necessary, to cleanse the Gut for one hundred Yards on each Side of the said Bridge, and to remove, thereout, all Dirt and Rubbish, or other Matter, within that Space, which tends to stop the due Course of Water; and to throw the same on the Banks, on each Side of the Gut. And the Form and Manner of summoning the Inhabitants, to send their Slaves, to cleanse the said Gut, shall be the same, to all Intents and Purposes, as are, by the above recited Act, ordered and directed for mending and repairing the Highways. And all Waywardens who shall neglect the Duty hereby required of them, shall be prosecuted and punished, as by the said Laws, they are directed to be prosecuted for Neglect of Duty, in suffering the Highways to be unrepaired or uncleansed.

Waywardens may cleanse Gut for 100 Yards on Sides of Bridge, and cast Dirt on Banks.

Summons for Slaves as in case of Highways, in No. 180.

Waywardens neglecting, punishable as in case of Highways, in No. 180.

Dated at *Saint Christopher's*, the seventeenth Day of *July*, in the Year of our Lord one thousand seven hundred and ninety-three, and in the thirty-third Year of the Reign of our Sovereign Lord *GEORGE* the Third, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, and so forth.

THOMAS FREEMAN, *Speaker*.

Passed

33d GEO. III.

Nis. 488, 489.

A. D. 1793.

Passed the Assembly, this twenty-fifth Day of *April*, one thousand seven hundred and ninety-three.

Passed the Council, the twentieth Day of *June*, one thousand seven hundred and ninety-three.

ANTHONY BROWN,
Clerk of the Assembly.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

SAINT CHRISTOPHER'S. Passed the Commander in Chief this seventeenth Day of *July*, one thousand seven hundred and ninety-three.

JOHN (L. S.) STANLEY.

ANTIGUA. Published this twentieth Day of *July*, one thousand seven hundred and ninety-three.

(ROBERT CLOGSTOUN, *Dep. Pro. Marshal.*

No. 489. **An Act to revive and make perpetual an Act, intituled, An Act for the more easy Recovery of Rent.**

PREAMBLE.

WHEREAS an Act, intituled, *An Act for the more easy Recovery of Rent*, dated the twenty-third Day of *October*, one thousand seven hundred and eighty-nine, did expire some time since: And whereas the said Act hath been found, by Experience, to be extremely useful and beneficial, and highly necessary to be revived and made perpetual; We, therefore, Your Majesty's most dutiful, loyal, and obedient Subjects, the Commander-in-Chief in and over all Your Majesty's *Leeward Caribbee Islands in America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That the said Act be revived and made perpetual; any Thing in the said Act contained, to the contrary thereof, in anywise notwithstanding.

ACT.
No. 463 to be
perpetual.

Dated

34th GEO. III.

Nis. 489, 490.

A. D. 1793.

Dated at *Antigua*, this second Day of *November*, in the Year of our Lord one thousand seven hundred and ninety-three, and of His Majesty's Reign the thirty-fourth.

THOMAS FREEMAN, *Speaker*.

Passed the Assembly, this third Day of *October*, one thousand seven hundred and ninety-three.

Passed the Council, the twenty-fourth Day of *October*, one thousand seven hundred and ninety-three.

ANTHONY BROWN,
Clerk of the Assembly.

By Command,

WILLIAM MATHEWS,
Deputy Secretary.

ANTIGUA. Passed the Commander-in-Chief, this second Day of *November*, one thousand seven hundred and ninety-three.

JOHN (L.S.) STANLEY.

ANTIGUA. Published the twenty-second Day of *November*, one thousand seven hundred and ninety-three.

ROBERT CLOGSTOUN, *Dep. Pro. Marshal*.

An Act to revive and further continue an Act, intituled, No. 490.
An Act supplementary to an Act, intituled, An SUPERSEDED
Act for dividing the Island into Parishes; and, by Act of Con-
Maintenance of Ministers and Poor; and, erecting tinuation of
and repairing Churches, made and passed the fourth 19th Dec.
Day of July, in the Year of our Lord one thousand six 1799, (No.
hundred and ninety-two. 540.)

WHEREAS an Act supplementary to an Act, intituled, *An Act for dividing the Island into Parishes; and, Maintenance of Ministers and Poor; and erecting and repairing Churches*, dated the thirteenth Day of July, one thousand seven hundred and ninety, did expire some short

34th GEO. III.

No. 490.

A. D. 1793.

short time since: And whereas it is necessary that the said Act should be revived and further continued; We, therefore, Your Majesty's loyal and obedient Subjects, the Commander-in-Chief in and over all Your Majesty's *Leeward Caribbee* Islands in *America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That the said Act be revived, and continue in full force and virtue, for the Space of three Years from the Date hereof, and, from thence, to the next Meeting of the Council and Assembly of this Island.

Dated at *Antigua*, this second Day of *November*, in the Year of our Lord one thousand seven hundred and ninety-three, and of His Majesty's Reign the thirty-fourth.

JAMES ATHILL, *Speaker*.

Passed the Assembly, this twenty-fourth Day of *October*, one thousand seven hundred and ninety-three.

Passed the Council, this twenty-fourth Day of *October*, one thousand seven hundred and ninety-three.

ANTHONY BROWN,
Clerk of the Assembly.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

ANTIGUA. Passed the Commander-in-Chief, this second Day of *November*, one thousand seven hundred and ninety-three.

JOHN (L. S.) STANLEY.

ANTIGUA. Published the twenty-second Day of *November*, one thousand seven hundred and ninety-three.

ROBERT CLOGSTOUN, *Dep. Pro. Marshal.*

An

34th GEO. III.

Nis. 491 — 493.

A. D. 1793.

An Act *to revive and further continue an Act, intituled, An Act for settling and regulating the Trial of Criminal Slaves by Jury.* No. 491.
EXPIRED.

Dated 4th October, 1793.

An Act *to alter and amend further an Act, intituled, An Act for granting an Aid of Negro Labour to His Majesty, for the purpose of erecting Works and Fortifications upon Dow's Hill in this Island.* No. 492.
OBSOLETE.

Dated 13th January, 1794.

An Act *to revive and continue An Act for establishing Courts of Common Pleas, Error, King's Bench and Grand Sessions; and for the better regulating and settling due Methods for the Administration of Justice; and to confirm certain Proceedings entered into, under the Authority of the said Act, since the Expiration thereof; and to indemnify Persons who have acted therein.* No. 493.
See later Act of Continuation of 16th March, 1804, (No. 578.)

WHEREAS the Act for establishing Courts of Common Pleas, Error, King's Bench and Grand Sessions, and for the better regulating and settling due Methods for the Administration of Justice, dated the twenty-first Day of *January*, in the Year of our Lord one thousand seven hundred and ninety-one, and which was in force for three Years from the Date thereof, and until the then next Meeting of the Council and Assembly of this Island, did expire on the twenty-third Day of *January* now last past, which happened to be a Day of a Meeting of the said Council and Assembly: And whereas the said Act hath been found to be of the highest Utility, Benefit, and Support to the Trade, Credit, and general Welfare of this Island; We, therefore, Your Majesty's most dutiful, loyal, and obedient Subjects, the Commander-in-Chief, for the time being, in and over all Your

No. 475.

34th GEO. III.

No. 493.

A. D. 1794.

Majesty's *Leeward Caribbee Islands* in *America*, and the Council and Assembly of this Your Majesty's Island, *Antigua*, humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That the said Act shall be, and the same is hereby revived, and shall continue and remain in full force from the Day of the Date hereof, for the Space of three Years, and, from thence, to the next Meeting of the Council and Assembly of this Island.

Proceedings
under No.
475, since its
Expiration,
confirmed.

II. And whereas various Proceedings have been had, and entered into in conformity to the Directions contained in the said Act, since the Time of the Expiration thereof as aforesaid, through an Inadvertency to the Time of such Expiration; be it therefore enacted and ordained by the Authority aforesaid, That all and every the Rules, Orders, Sentences, Verdicts, Judgments, and Executions, which have been at any time, since the said Expiration of the aforesaid Act, made, pronounced, given, found, or issued, by or in any of the aforesaid Courts of Common Pleas, Error, King's-Bench, or Grand Sessions, conformably to the Directions and Provisions set-forth and contained in the said Act; and all and every the Attachments, Levies, and Sales in consequence thereof; and also all and every other judicial, mesne, or final Process or Proceedings, of any kind whatsoever, in conformity to the said Act as aforesaid, are and is, hereby, ratified and confirmed, and shall continue and remain in full force, to such Intents and Purposes as the same would have been deemed valid, and adjudged effectual, if the aforesaid Act had remained unexpired, and continued in force to the Date hereof.

Clause of In-
demnity.

III. And be it further enacted, That all and every the Persons who have acted, or been concerned in ordering, granting, issuing, suing, or executing all or any of the Proceedings or Matters, in conformity to the said expired Act, in manner aforesaid, shall be and are, by the Authority of this present Act, acquitted, indemnified, and discharged from all Penalties and Damages whatsoever, to which they may be thought liable or chargeable thereby, and from all Indictments, Informations, Plaints, Actions, or Suits of any kind, which may be brought or prosecuted thereon; and may plead and insist on this Act, for their or his Discharge and Acquittance.

Courts con-
firmed in
Power of Ad-
journment.

IV. And be it further enacted by the Authority aforesaid, That all and every of the Adjournments of any of the said Courts, since the Expiration of the said Act, are and is, hereby, ratified and confirmed; and the said Courts shall respectively sit and proceed to Business on the Day and Time set-forth in their said Adjournments,
in

ISLAND OF ANTIGUA.

219

34th Geo. III.

No. 493, 494.

A. D. 1794.

in the Manner they were wont to do, under the Authority of the said expired Act.

Dated at *Saint Christopher's*, this tenth Day of *May*, in the Year of our Lord one thousand seven hundred and ninety-four, and in the thirty-fourth Year of His Majesty's Reign.

JAMES ATHILL, *Speaker*.

Passed the Assembly, this eighth Day of *May*, one thousand seven hundred and ninety-four.

Passed the Council, this eighth Day of *May*, one thousand seven hundred and ninety-four.

ANTHONY BROWN,
Clerk of the Assembly.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

SAINT CHRISTOPHER'S. Passed by the Commander-in-Chief, this tenth Day of *May*, one thousand seven hundred and ninety-four.

JOHN (L. S.) STANLEY.

ANTIGUA. Published this twelfth Day of *May*, one thousand seven hundred and ninety-four.

ROBERT CLOGSTOUN, *Dep. Pro. Marshal.*

An Act for more effectually preventing the Purchase of No. 494.
stolen Iron, Copper, Lead, and Brass in this Island.

MADE PER-
PETUAL by
Act of 5th
Aug. 1800,
(No. 547.)

PREAMBLE.

WHEREAS the Practice of buying old, or broken Iron, Copper, Lead, and Brass, from Slaves, hath, for some time past, greatly prevailed in this Island, to the manifest Injury of the Planters and Inhabitants thereof, whose Slaves have been frequently tempted to steal Iron Bolts from Mills and Carts, and to take off Pieces of Lead, Copper, and Brass, from Sugar-works and Plantation-utensils,

34th Geo. III.

No. 494.

A. D. 1794.

ACT.
No Person to
export, or
ship with in-
tent to export
old Iron, Cop-
per, Lead, or
Brass, with-
out giving Of-
ficer of Cus-
toms 48 hours
Notice in Wri-
ting; stating
Quantity of
each Article,
with Name
and Abode of
Person from
whom receiv-
ed; under
Penalty of
100%.

Party guilty
of false State-
ment in writ-
ten Notice;
for first Of-
fence, to be
fined 100%
max. 50% min.

utensils, in order to sell the same, for a trifling Price, to evil disposed Persons, who clandestinely export the said Articles to some foreign Place, and usually exchange the same for prohibited Goods, which are afterwards smuggled into this Island: and the said Practice is carried on so secretly, that it is, generally, impossible to procure any positive or direct Proof against the Purchasers, who are thereby often enabled to carry on their infamous Traffic with Impunity; We, therefore, Your Majesty's most loyal and obedient Subjects, the Commander in Chief of Your Majesty's *Leeward Caribbee Islands in America*, and the Council and Assembly of Your Majesty's Island of *Antigua*, do humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That, from and after the Expiration of two Calendar Months next after the Publication of this Act, no Person or Persons shall export from the Island of *Antigua*, or remove or carry from any Part of the said Island by Water, or lade or put on Board any Vessel or Boat, with an Intent to be exported or removed as aforesaid, any old, or broken Iron, Copper, Lead, or Brass, without giving Notice, in Writing, of such intended Exportation or Removal, to some Officer of His Majesty's Customs for this Island, forty-eight Hours, at least, before any Part of such old, or broken Iron, Copper, Lead, or Brass shall be shipped or water-borne; which Notice shall be signed by the Person or Persons giving the same, and shall contain a true Account of the Quantity of each Article, intended to be exported or removed, and the Name, or Names, and Place of Abode of the Person or Persons from whom the same was received; under the Penalty and Forfeiture of one hundred Pounds, current Gold or Silver Money; to be recovered, with full Costs of Suit, by Action of Debt, Bill, Plaint, or Information, in any Court of Record in this Island *Antigua*; wherein no Wager of Law shall be allowed: such Penalty or Forfeiture to be for the Use and Benefit of the Informer.

II. And be it also enacted and ordained by the Authority aforesaid, That if, in any such written Notice, any false Account shall be, wilfully, given of the Quantity of old, or broken Iron, Copper, Lead, or Brass, in such Notice mentioned, as intended to be exported or removed, or of the Name or Names, or Place of Abode, of the Person or Persons from whom the said Iron, Copper, Lead, or Brass was respectively received, the Person or Persons signing such Notice, shall and may, for such Offence, be prosecuted by Indictment or Information; and, being thereof convicted, shall be
fined

34th GEO. III.

No. 494.

A. D. 1794.

fin'd in any Sum not exceeding one hundred Pounds, nor less than fifty Pounds, current Gold or Silver Money; and for the second Offence, shall be punished by Imprisonment in the Common Jail of this Island *Antigua*, for any time not more than six Months, nor less than three Months; and, for any subsequent Offence, shall be punished corporally, either by Imprisonment at the Discretion of the Court, or by being put into the Pillory, for such Time or Times as the Court shall think proper to direct.

III. And be it also enacted and ordained by the Authority aforesaid, That if any old, or broken Iron, Copper, Lead, or Brass, shall be found in the Possession of any Person or Persons, not being the Proprietor or Renter of a Sugar Plantation, or carrying on the Trade of a Blacksmith, Coppersmith, Plumber, or Founder; and such Person or Persons shall not be able to prove, to the Satisfaction of the Court and Jury, how or by what Means the same Iron, Copper, Lead, or Brass came to his, her, or their Possession, or to shew some reasonable Cause to induce a Belief, that they were lawfully possessed thereof; such Person or Persons shall be deemed to have unlawfully, received the said Iron, Copper, Lead, or Brass from some Slave or Slaves unknown; and may and shall be prosecuted for the said Offence, by Indictment; and being thereof convicted, shall forfeit any Sum of Money not more than thirty Pounds, nor less than ten Pounds, current Gold or Silver Money, at the Discretion of the Court; and, upon a second Offence, shall forfeit and pay the Sum of one hundred Pounds, like Money; and, for any subsequent Offence, shall be punished by Imprisonment in the Common Jail, for any Time not more than six Months, nor less than three Months, at the Discretion of the Court.

IV. Provided always, That no Action, Bill, Complaint, Information, or Indictment, shall be commenced, preferred, filed, or prosecuted, for any Offence herein-before mentioned, after the Expiration of seven Calendar Months next after such Offence was committed or discovered; and that if the Informer or Plaintiff, in any such Action, Bill, Complaint, or Information, shall discontinue his Suit, or become nonsuit, or Judgment shall be given for the Defendant, such Informer or Plaintiff shall pay treble Costs; to be taxed and recovered as Costs of Suit are recovered in other Cases: and that if, upon any Indictment or Information, the Defendant shall be found not guilty of the Offence charged in or by such Indictment or Information, the Informer or Prosecutor shall pay to the Defendant treble Costs; to be immediately taxed and assessed by the Court, and

second Offence, to be imprisoned six Months, *max.* three Months *min.* subsequent Offence, fined or imprisoned at Discretion of Court.

Person,—not being a Planter, Blacksmith, Coppersmith, Plumber, or Founder,—not accounting satisfactorily to Court and Jury, for old Metal in his Possession, to be deemed to have received it unlawfully from unknown Slave.

Penalty.

Action or Information must be commenced in seven Calendar Months after Offence committed or discovered.

Plaintiff, or Informer, failing in Prosecution, to pay treble Costs.

34th Geo. III.

No. 494.

A. D. 1794.

and recovered by Attachment, or by Action of Debt, in the Court of Common Pleas held for this Island.

Officer of
Customs seiz-
ing Vessel un-
lawfully laden
with old Me-
tal,—on Proof
before, and
Certificate
from Justices,
—to be paid
33/ by Trea-
surer.

V. And be it also enacted and ordained by the Authority aforesaid, That if any Officer of His Majesty's Customs, shall seize any Vessel or Boat, wherein any old, or broken Iron, Lead, Copper, or Brass, shall have been shipped or laden, contrary to the Intent and Meaning of this Act, such Officer, upon Proof thereof, before any two of His Majesty's Justices of the Peace for this Island *Antigua*, certified under their Hands and Seals, shall be entitled to demand and receive, from the Treasurer of the said Island, the Sum of thirty-three Pounds, current Gold and Silver Money, without any further Order or Warrant, except the Certificate of the said Justices; which shall be, to the said Treasurer, a sufficient Voucher or Warrant, for having paid the said Sum of thirty-three Pounds.

By No. 547,
Act is perpe-
tual.

VI. And be it also enacted and ordained by the Authority aforesaid, That this Act shall be and continue in force, for three Years from the Date hereof, and from thence until thirty Days after the next Meeting of the Council and Assembly of this Island *Antigua*.

Dated at *Saint Christopher's*, this eighteenth Day of *September*, in the Year of Our Lord, one thousand seven hundred and ninety-four, and in the thirty-fourth Year of the Reign of Our Sovereign Lord **GEORGE** the Third, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith.

THOMAS FREEMAN, *Speaker*.

Passed the Assembly, this twen-
tieth Day of *December*, one
thousand seven hundred and
ninety-two.

ANTHONY BROWN,
Clerk of the Assembly.

Passed the Council, this ele-
venth Day of *September*, one
thousand seven hundred
and ninety-four.

By Command.

WILLIAM MATHEWS,
Deputy Secretary.

SAINT CHRISTOPHER'S. Passed by the Commander-in-Chief, this eighteenth Day of *September*, one thousand seven hundred and ninety-four.

JOHN (L. S.) STANLEY.

Published

34th Geo. III.

Nis. 494, 495.

A. D. 1794.

Published this twenty-fourth Day of *September*, one thousand seven hundred and ninety-four.

ROBERT CLOGSTOUN, *Dep. Pro. Marshal.*

An Act supplementary to an Act, intituled, An Act to alter, revive, and amend an Act, intituled, An Act to alter and amend, an Act, intituled, An Act for regulating the Militia of this Island; and for the further Regulation of the said Militia; and fixing and appointing the Times when Martial Law shall be in force in this Island, and declaring and establishing Rules and Articles of War for the better Government of the said Militia at those Times. No. 495.

REVIVED in
last instance,
by Act of 16th
June, 1803,
(No. 574).

WHEREAS several Forts and Batteries have been erected in this Island *Antigua*, and Gunners and Matrosses paid for attending thereon; but no Provision hath been, as yet, made for punishing Offences which may be committed by the Officers or Matrosses belonging to, or employed upon such Forts or Batteries; We, therefore, Your Majesty's most dutiful, loyal, and obedient Subjects, the Commander-in-Chief of Your Majesty's *Leeward Caribbee* Islands in *America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, most humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That, from and after the Publication of this Act, all Offences committed, at any time, by any Officer, Gunner, or Matross, belonging to or employed upon any Fort, or Battery, now erected, or which may hereafter be erected in this Island *Antigua*, or by any other Person or Persons doing Duty, or attending in such Fort or Battery, in Time of actual Alarm, or when Martial Law shall be generally in force in this Island *Antigua*, against any of the Rules and Articles mentioned and contained in an Act of this Island, intituled, *An Act to alter, revive, and amend, an Act, intituled, An Act to alter and amend an Act, intituled, An Act, for regulating the Militia of this Island; and for the further Regulation of the said Militia; and fixing and appointing the Times*

Respecting
Subsistence of
Gunners and
Matrosses,
See No. 510.

ACT.
Officer, Gun-
ner, or Ma-
tross, or other
Person em-
ployed in
Fort, offend-
ing, during Al-
arms or Mar-
tial Law, a-
gainst Articles
of War in No.
485, S. 45, to
be tried as Of-
ficers or Pri-
vates in the
Militia under
those Articles;
except that
War.

Warrant for Holding Court Martial must be issued by resident Chief Commander; and Members of Court be, all, Officers of Militia.

No. 525, S. 1. extends to future Articles.

Officers, Gunners, &c. in Forts liable to Martial Law at all times.

No. 525, S. 2. similar.

In force by No. 574, S. 1. for one Year from 16. June, 1803 and till the Meeting of the Houses.

Times when Martial Law shall be in force in this Island; and declaring and establishing Rules and Articles of War for the better Government of the said Militia, at those Times, dated, at Antigua, the thirtieth Day of March, in the thirty-third Year of His Majesty's Reign; and also the Offence of making, or causing to be made any false Alarm, shall and may be tried and punished in manner following, that is to say, every Person offending against any of the said Rules and Articles of War, or making or causing to be made any false Alarm, shall and may be put under Arrest, or confined, by his superior Officer, as the Case may require, and be tried and punished in the same manner, or as near as may be, as if he was a Commissioned-officer, or Non-commissioned-officer or Private in any Regiment or Corps of Militia in this Island; save and except that the Warrant for holding any Court Martial for the Trial of such Offender, shall, in all cases, be issued, and the Members or Officers to compose such Court Martial, appointed, by the Person who shall then preside or command in this Island Antigua; and that such Court Martial shall, entirely, consist of Officers, of or belonging to some or one of the Regiments or Corps of Militia, in this Island.

II. And be it also enacted and ordained by the Authority aforesaid, That all Officers, Gunners, and Matrosses belonging to, or employed upon any such Fort or Battery, shall be, at all times, subject to Martial Law, and liable to such Punishment, for any Offence by him or them committed at any time, as any Officer, Non-commissioned-officer, or Private, in any Regiment or Corps of Militia in this Island, would be subject or liable to, when Martial Law is generally in force in this Island.

III. And be it also enacted and ordained by the Authority aforesaid, That this Act shall continue and be in force, from the Publication thereof, until the thirtieth Day of March, which will be in the Year of Our Lord one thousand seven hundred and ninety-six, and, from thence, until the next Meeting of the Council and Assembly of this Island.

Dated at Montserrat, this sixth Day of November, in the Year of our Lord one thousand seven hundred and ninety-four, and in the thirty-fifth Year of His Majesty's Reign.

JAMES ATHILL, Speaker.

Passed

35th GEO. III.

Nis. 495—497.

A. D. 1794.

Passed the Assembly, this twenty-fourth Day of *July*, one thousand seven hundred and ninety-four.

Passed the Council, this tenth Day of *October*, one thousand seven hundred and ninety-four.

ANTHONY BROWN,
Clerk of the Assembly.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

MONTSERRAT. Passed by the Commander-in-Chief, this sixth Day of *November*, one thousand, seven hundred and ninety-four.

JOHN (L. S.) STANLEY.

Published, this seventh Day of *November*, one thousand seven hundred and ninety-four.

ROBERT CLOGSTOUN, *Dep. Pro. Marshal.*

An Act for the better regulating the Porters, and such **No. 496.**
Slaves as shall be employed on-board Ships, or Vessels,
in any of the Harbours of this Island, and for fixing
the Hire of the same. EXPIRED.

Dated 6th November, 1794.

An Act to restrain the Residence or Abode of Aliens in this **No. 497.**
Island, for a limited Time; and to prohibit, during
such Time, Free Persons of Colour, Negroes, and other
Persons being Slaves, formerly resident in or belonging
to any of the late French Islands, from coming to or
remaining in this Island. EXPIRED.

Dated 6th November, 1794.

No. 498. *An Act to alter and amend an Act, intituled, An Act for dividing the Island into Parishes; and Maintenance of Ministers, and the Poor; and erecting and repairing Churches; and also to alter and amend, in part, a certain Clause of another Act, intituled, An Act for more easily recovering Parish Taxes and Arrears of Parish Taxes, being supplementary to the Act for dividing the Island into Parishes.*

PREAMBLE.

No. 80.

ACT.
First, 2d and
3d Clauses of
No. 80—so far
only as relates
to choosing
Vestries for
St. John—to
be repealed.

WHEREAS great Alterations have taken place in the Settlement and Population of this Island, and several material Changes have been made in the Residence of the Inhabitants, since the Time of passing the Act for dividing the Island into Parishes, dated the first Day of *July*, in the Year one thousand six hundred and ninety-two; by reason of which, some of the Provisions and Regulations therein instituted, and well accommodated to the Equality, Ease, and Conveniency of the Colony, at that early Period, are now become very inadequate to those salutary Purposes, principally, in the Mode of electing Members to serve in the Vestries of the Parish of *Saint John*, the now most extended Parish, and where very capital Sums of Money are, annually, found necessary to be raised by its Vestries, so as to occasion generally a heavier Tax on the Parishioners individually, than is imposed or required, on any Individual Inhabitant, for the Exigencies and Support of the Public Treasury of the Island at large; so that some Amendment is highly expedient in the Mode of Election; We, therefore, Your Majesty's most dutiful, loyal, and obedient Subjects, the Commander-in-Chief for the time being, in and over all Your Majesty's *Leeward Caribbee Islands in America*, and the Council and Assembly of this Your Majesty's Island of *Antigua*, humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That the first, second, and third Clauses, or Sections, of the said mentioned Act of one thousand six hundred and ninety-two, and all and every the several Matters and Things therein contained, as far as the same shall, in any manner, appertain to the choosing of Vestries for the said Parish of *Saint John*, in this Island, shall be, and is and are, hereby, repealed and made void to all Intents and Purposes

35th GEO. III.

No. 498.

A. D. 1794.

Purposes whatsoever: Provided nevertheless, that the said three Clauses shall be and remain in full force and virtue in all respects whatsoever; save and except as to the Parish of *Saint John* as aforesaid.

II. And be it further enacted by the Authority aforesaid, That from and after the Passing and Publication of this Act, the Vestries for the aforesaid Parish of *Saint John*, shall be chosen, in each and every Year hereafter, on any of the Days next following the first Day of *January* (*Sundays* excepted) to the eleventh Day of the same Month, for the Town and different Divisions in the said Parish, in manner herein-after mentioned; and that the said Vestry, as heretofore, shall consist of twelve Members, the Minister or Rector of the Parish being always one of the Number, and the other eleven to be chosen of honest, sober, and religious Men being Freeholders; and which Vestry, when duly chosen and returned as herein-after directed, shall, within four Days after such Election and Return, choose two Churchwardens from themselves respectively.

III. And be it further enacted, That eleven Members, eligible to join the Minister or Rector for constituting the Vestry of the said Parish, shall be distinctly chosen in manner following, that is to say, Five honest, sober, and religious Men being Freeholders in the said Parish of *Saint John*, shall be chosen to represent the Town of *Saint John* in the said Vestry; and, in like manner, six Freeholders, of like Qualifications and Descriptions, shall be chosen to represent the Divisions of *Popeshead*, *Dickenson's Bay*, *Saint John*, and *Five Islands*, in the said Vestry, according to the Form of the Warrant of Summons to be issued and directed as herein-after mentioned.

IV. And be it further enacted by the Authority aforesaid, That any two of His Majesty's Justices of the Peace, residing within the said Parish of *Saint John*, or, in case of the Death, Sickness, or Absence of such Justices or Justice, then the next or neighbouring Justices or Justice, shall, and are hereby required, every Year, on Application being made to them by the Churchwardens, or either of them, who served in the last preceding, or then subsisting Vestry of the said Parish of *Saint John*, to issue out a Precept, under their Hands and Seals, directed to one or more Constable or Constables of the Town and Divisions of the said Parish of *Saint John*, to summon the Freeholders, of the Town or Division for which they were appointed to serve, to appear at the Church of the said Parish, on such Day, and at such Hour in the Morning, as to the said

Vestry for *St. John* to be chosen in every *January*, on any Day (*Sunday* excepted) from 1st to 11th inclusive.

Twelve Members; Rector, one. See S. 3. and 4.

In four Days, Vestry to choose Churchwardens from itself.

Five Freeholders in Vestry, to represent Town of *St. John*; six, Divisions of *Popeshead*, *Dickenson's Bay*, *St. John*, and *Five Islands*.

To be chosen as in S. 4.

Justices of *St. John*, or, in their Absence, of neighbouring Division, on Application of Churchwardens, to issue Precept to Constable to summon Freeholders to appear at Church, on Day and Hour named, to elect Vestrymen as in S. 2. 3.

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Justices to superintend Election, and make Return in four Days.

Churchwardens failing to apply, as in S. 4. on or before 1st January; to forfeit 50%.

Justices refusing to execute S. 4. to forfeit 50%.

Constable to forfeit 10s. for every Freeholder neglected to be summoned.

Constable not having Effects to answer Distress, to be imprisoned. Marshal to pay Forfeitures, when recovered, to Churchwardens, retaining eight per Cent.

Justices to decide on Right and Qualifications

Justices shall seem fit,—within the Time herein-before limited, to make choice of a certain Number of Persons to serve in the ensuing Vestry for that Year, for that Town, or for the Divisions of *Popeshead, Dickenson's Bay, Saint John, and Five Islands*, as herein-before specified. And such Justices are, hereby, also required to attend, personally, to take and superintend the Election of the Vestry, and to make due Returns thereof, within four Days after such Election, to the Commander-in-Chief of this Island for the time being.

V. And be it further enacted, That in case the Churchwardens as aforesaid, shall neglect to apply, to two Justices as aforesaid, on or before the first Day of *January* in any Year hereafter, they the said Churchwardens shall, each, forfeit the Sum of fifty Pounds, current Money of the said Island; to be levied, of their proper Goods and Chattels, by Warrant under the Hand and Seal of the said two Justices, directed to the Provost Marshal, or his Deputy, and authorizing him, within a certain Time, to proceed to Sale of the same; and in case the said Justices, to whom the said Application shall be made, shall refuse or neglect to issue their Warrants, and to make due Returns as aforesaid, they the said Justices, so neglecting, shall also forfeit fifty Pounds, like Money, to be levied and proceeded on as aforesaid. And, in like manner, they the said Constables, to whom the said Warrants shall be directed, shall, each, forfeit ten Shillings for every Freeholder they shall neglect duly to summon, living within the District or Verge specified in the said Warrants; to be levied, on Conviction of such Neglect, of their proper Goods and Chattels, by Warrant from the Justices, or any one of them, who issued the Warrant of Summons as aforesaid, directed to the Provost Marshal, or his lawful Deputy, with Authority to proceed to Sale as aforesaid; and for want of Effects to satisfy such Forfeiture immediately, the said Constables shall stand committed to the Common Gaol of this Island, until the same shall be paid or satisfied: all which Forfeitures and Penalties, when received by the said Provost Marshal, or his lawful Deputy, are to be by him paid into the Hands of the Churchwardens for the time being of the said Parish, to be applied towards the Funds raised, or to be raised, for the Parish Exigencies: he the said Provost Marshal, or his lawful Deputy, being hereby authorized and empowered to demand and retain eight *per Centum*, for his Trouble and Pains, out of the Goods and Chattels so actually levied by him, or sold.

VI. And be it enacted by the Authority aforesaid, That the said two Justices, who shall issue the Warrant aforesaid, shall, and are hereby

35th GEO. III.

No. 498.

A. D. 1794.

hereby fully authorized and empowered to hear and determine all Objections, Doubts, and Controversies that may arise, touching the Right and Qualifications of Voters and Candidates, at the time of Election; and adjourn, from time to time, if they shall think fit, for their better Determination of such Controversies: Provided that the whole Time of Adjournment shall not exceed three Days from the Day of Election. And in case the said two Justices shall not be able, finally, to agree in their Determination, they are hereby authorized and required, to call-in to their Assistance, any other Justice of the Peace being of the Quorum, whose Determination shall be decisive and final in such Case.

tions of Voters and Candidates.

May adjourn not exceeding three Days.

May call-in Justice of Quorum to decide.

VII. And for the better promoting Premeditation and Deliberation, at all times essential in the levying of Taxes, or raising Impositions, but most indispensably requisite when the Taxes or Impositions are of great Magnitude and become burthensome; be it further enacted and ordained by the Authority aforesaid, That whenever any Vestry of the Parish of *Saint John*, shall hereafter think it necessary, to ordain, fix, or levy any Tax, Rate, or Assessment whatsoever, upon the Parishioners of the said Parish, for any parochial Purposes,—every Estimate, Plan, Proposal, or Scheme, whatsoever, for that Purpose, shall be, first, introduced in a Meeting of Vestry, consisting of at least seven Members, (and not less,) and shall, then and there, be, openly and distinctly, read; and if the same should be then thought admissible, and fit to be passed into an Order, it shall be referred to a Reconsideration at a future Meeting; which Meeting shall not be sooner than twenty Days thereafter.

Scheme of Tax to be introduced in Vestry of seven Members, *min.* and distinctly read.

If deemed admissible, to be reconsidered at future Meeting, not sooner than twenty Days.

VIII. And whereas, from the Directions and Provisions hereinbefore contained, it may become impossible to settle and conclude the Appointment of any Rate, or Tax, for the Parish of *Saint John*, on the first Day of *February* in every Year, as is particularly limited by the first Clause of the *Act for more easily recovering Parish Taxes, and Arrears thereof*; be it therefore enacted by the Authority aforesaid, That so much of the said first Clause of the said Act, intituled, *An Act for more easily recovering of Parish Taxes, and Arrears thereof*, passed in the Year one thousand seven hundred and eighty-three, as directs and limits, the Settlement and Appointment of the Parish Rates and Taxes, conclusively to the first Day of *February* in every Year, shall be, and is hereby repealed and made void, as far as the same did, may, or could relate to the Parish of *Saint John*.

So much of first Clause of No. 418 as directs Tax to be settled by 1st *February*; to be repealed; as far as relates to *St. John*.

IX.

35th GEO. III.

No. 498.

1794. A. D.

First Intro-
duction of
Tax not to be
later than 10th
February.

St. John's
Vestry not
empowered to
tax Land, &c.
further than
before Act.

IX. Provided always, and it is hereby, nevertheless, meant and intended, That every such Estimate, Plan, Proposal, or Scheme for levying or raising any Tax, or Rate, for the said Parish, shall not be, first, introduced into the Vestry later than the tenth Day of February in every Year; and that all and every other Matter, Thing, and Provision, whatsoever, contained in the said last mentioned first Clause of the said Act of one thousand seven hundred and eighty-three, and not hereby expressly repealed and altered, shall remain in full force, virtue, and extent.

X. Provided always, and it is hereby also enacted and ordained by the Authority aforesaid, That it shall not be lawful for the said Vestry of the Parish of *Saint John*, to impose or assess any Tax or Rate, upon Lands or Tenements in the said Town of *Saint John*, or upon the Proprietors, or Tenants, or Occupiers thereof, any further or otherwise than hath hitherto been usual and customary.

XI. And be it further enacted and ordained, That this Act, and all and every the Alterations, Amendments, and Regulations therein contained, shall continue, and be and remain in full force and virtue for the Space of five Years, from the date of the Publication thereof, and, from thence, to the next Meeting of the Council and Assembly of this Island.

Dated at *Antigua*, the thirtieth Day of *December*, in the Year of our Lord one thousand seven hundred and ninety-four, and of His Majesty's Reign the thirty-fifth.

JAMES ATHILL, *Speaker*.

Passed the Assembly, this first
Day of *December*, one thou-
sand seven hundred and
ninety-four.

Passed the Council, this first
Day of *December*, one thou-
sand seven hundred and
ninety-four.

ANTHONY BROWN,
Clerk of the Assembly.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

ANTIGUA. Passed by the Commander-in-Chief, this thirtieth Day of *December*, one thousand seven hundred and ninety-four.

JOHN (L.S.) STANLEY.

35th GEO. III.

Nis. 498, 499.

A. D. 1794.

ANTIGUA. Published this thirtieth Day of December, one thousand seven hundred and ninety-four.

ROBERT CLOGSTOUN, *Dep. Pro. Marshal.*

An Act to oblige the Churchwardens of the Parish of Saint John, to enter into Security for the faithful Performance of their Duty; to restrain them from taking to themselves great and uncertain Gains, out of the parochial Funds of the said Parish; and for settling some fixed and moderate Recompense, for their Labour, or Expense, in discharge of their Trust. No. 499.

WHEREAS the Impositions and Collections of Rates or Taxes, for the Parish of *Saint John* in this Island, have of late Years amounted to very large Sums of Money, and which are always payable into the Hands of the Churchwarden, without any Security being given for the faithful Application of the same, none being generally directed by any Law now extant, as all the former Acts for regulating of Vestries, and the Conduct of Churchwardens, have passed, when the Amount of Rates and Taxes were, comparatively, but small and inconsiderable, with the present Amount; We, therefore, Your Majesty's most dutiful, loyal, and obedient Subjects, the Commander-in-Chief for the time being of all the *Leeward Caribbee* Islands, and the Council and Assembly of this Your Majesty's Island of *Antigua*, most humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That, within ten Days from and after the Passing and Publication of this Act, the acting Churchwarden, or Churchwardens, for the time being, and all and every the future acting Churchwarden, or Churchwardens, chosen by the Vestry of the aforesaid Parish, within ten Days after such Choice, shall, and are hereby required and directed to enter into, and give Bond, with two good and sufficient Securities, being substantial Freeholders of the said Island, and to be approved of as herein-after directed, to be all jointly and severally held and bound to His Majesty, His Heirs, and Successors, in the Penalty of such Sum or Sums as the Vestry shall, from time

PREAMBLE.

ACT.
Acting
Churchwarden, with two
Freeholders
approved as in
S. 2. 3. 4. 5.
to enter into
Bond to the
King, in such
Penalty as
Vestry shall
appoint.

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No. 499.

A. D. 1794.

time to time, think expedient; subject to a Condition in the following Word or Words, or to the like Effect, that is to say;

CONDITION
of BOND.

THE CONDITION of the above Obligation is such, that if the above bounden [A. & B.] do and shall, during their continuance in the Office of Churchwarden of the Parish of Saint John in this Island, diligently and faithfully, collect all such Sum or Sums of Money, that may and shall be truly due and owing, for any Rates, Taxes, or Impositions, from the Parishioners of the aforesaid Parish, and non-resident Traders in the said Island; and shall also, well and truly, apply the said Sums of Money to all such Purposes, Uses, and Intents as shall be set forth and directed by any Order or Orders of the Vestry of the said Parish, without any Deductions, Abatements, or Reservations for Commission or Factorage, or under any other Pretence whatsoever, other than such Deductions for Compensations as shall be allowed by the said Vestry, by virtue of a certain Act of this Island; and also in all Things else shall and will faithfully execute the Office of Churchwardens; then the above Obligation to be void; otherwise to remain in full force and virtue.

Bond to be
attested and
lodged with
Secretary;
Secretary's
Fee.

Churchwar-
dens, before
collecting
Tax, except
Tax on Non-
residents,—to
produce their
Sureties in
open Vestry
for Examina-
tion.

Which Bonds so to be given, shall be executed before, and attested by the Secretary of the said Island, or his lawful Deputy, and afterwards lodged in his Office, with the Payment of six Shillings as a Fee to him, to be paid by the said Churchwardens.

II. Provided always, That prior to the Authority of the said Churchwardens for demanding or receiving, from any Person, any Sum or Sums of Money, as Parish Rates, Taxes, or Impositions of any kind, for the Benefit of the said Parish; except the Duty paid by Non-residents commonly called the Transient Tax,—they the said Churchwarden or Churchwardens shall, at the first Meeting of the Vestry subsequent to his or their Nomination and Appointment, appear, and produce, in their proper Persons, their said two Sureties and Joint-obligors, in open Vestry, in order to be examined in the said Vestry, touching the Ability and Sufficiency of them the said Sureties.

Vestry may
examine Sure-
ties on Oath;
and determine
on their Suf-
ficiency.

III. And be it further enacted by the Authority aforesaid, That the said Vestry at which the said Sureties shall appear, is hereby authorized, at their Discretion, to examine and determine upon the Ability and Sufficiency of the said Sureties on their respective Oaths; whether, after the full Payment of all their just Debts and Demands, they, and each of them, have a Surplus of Fortune equal to the Value of, and are truly worth the Sum of Money, expressed in the Penalty of the Bond in which they are become Joint-obligors, with

35th Geo. III.

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with the said Churchwarden or Churchwardens : and the said Vestry shall, thereupon, approve or disapprove of such Sureties as to the said Vestry shall seem fit.

IV. And be it further enacted, That if the said Vestry shall, at any time, disapprove of the said Sureties, the said Bond, so entered into by them, shall be cancelled by the said Secretary, or his Deputy, by Order of the Vestry : and the said Churchwardens shall, within ten Days afterwards, be compelled to give and execute a new Bond, with two other Sureties, being Freeholders, to be all jointly and severally held and bound to His Majesty, His Heirs and Successors, under the same Penalty, and subject to the like Conditions in all respects whatsoever, as are herein-before directed to be set forth and contained in the original and first-mentioned Bond ; and to be, in like manner, attested and lodged in the said Secretary's Office, with the like Payment of Fees. And the said Churchwardens, with the two Sureties so become Joint-obligors to the said new Bond, shall, in like manner, appear at the next Vestry which shall be thereafter first held, in order to be there examined, touching the Ability of the said Sureties as aforesaid ; and the said Vestry shall, in such Case, examine, determine, and order thereon, in all respects whatsoever, as it is herein-before authorized as aforesaid to do, in and by the preceding last Clause, and foregoing Part of this Clause.

V. And be it further enacted, That when the said Vestry shall approve of the aforesaid Sureties on their Examination, the Secretary, or his lawful Deputy, shall immediately indorse the same, on the said Bond in his Office, in the following Words, "*Approved by the Vestry;*" [expressing the Day when the Approbation is ordered ;] and shall subscribe his Name thereto, and shall and may receive three Shillings, as a Fee for the same.

VI. And be it further enacted, That when the said Churchwardens, or either of them, who have entered into bond as aforesaid, shall have determined, or be discontinued, in their, or his, said Office ; and they, or he, shall produce a Certificate, under the Hands and Seals of six or more of the Vestry of the said Parish, witnessed or countersigned by the Clerk of the said Vestry, and directed to the said Secretary, or his said Deputy ; setting forth that such Churchwardens, or Churchwarden, are, or is, no longer in Office, and that they the said Churchwardens have regularly passed their Accounts, and conducted themselves to the Satisfaction of the said Vestry : then, and in such case, the said Secretary, or

If Vestry disapprove Sureties, Bond to be cancelled; and new Bond, with Sureties, as in S. 1. entered into.

Proceedings on second Sureties as in S. 2. 3. 4. on first.

Secretary to indorse on Bond Approval of Sureties, and sign Indorsement.

Secretary's Fee.

Churchwardens, on retiring, to produce Certificate signed by six Vestrymen, *min.* and countersigned by Vestry-Clerk, that their Accounts and Transactions have been regular.

Secretary,
on filing Cer-
tificate, to
cancel Bond.

If but one
Churchwar-
den retire, the
other to enter
into Bond
with new Col-
league.

On Breach, or
Suggestion of
Breach of
Bond, by In-
formation of
three Inhabi-
tants, *min.*—
Vestry or Go-
vernor, &c.
may direct
Action on
Bond in C. P.

Vestry to sup-
port Plaintiff
in Action.

Bond to be
in Trust for
Parish.

Judgment to
be cautionary.

Execution for
Amount of
Damage,
when Amount
ascertained;
for full Pe-
nalty, when
not ascertain-
ed.

Testimony of
Parishioner,
though con-
tributing to
Rate, admis-
sible.

his said Deputy, on filing the said Certificate, is hereby required to cancel, and deliver up to the said Churchwardens, the Bond so entered into by them: Provided nevertheless, and it is the true Intent and Meaning hereof, that if but one of the said Churchwardens shall appear, by the said Certificate, to be discontinued in his Office, the other Churchwarden shall enter into and execute, jointly with his new and succeeding Colleague, the Bond already required and directed to be given by Churchwardens after their Election into Office, subject to all such Regulations and Restrictions as are herein-before directed and enjoined, respecting them and their Sureties.

VII. And be it further enacted by the Authority aforesaid, That whenever there shall happen any Breaches of the herein-recited Condition to the aforesaid Bonds, or that the Vestry shall apprehend that any such Breaches have happened, or that any three or more Persons, paying Rates or Taxes in the said Parish of *Saint John* to the Amount or Value of one hundred Pounds, Currency, or upwards amongst them, shall, by credible Testimony or Information, suggest to the Governor or Commander-in-Chief, or the President of this Island, that there is probable Proof, to be adduced on Trial, of any such Breaches, the said Vestry, or the said Governor, or Commander-in-Chief, or President, shall and may direct an Action to be, forthwith, brought in the Court of Common Pleas in this Island, for prosecuting the said Bond or Bonds to final Judgment: and the said Vestry is hereby required and directed, to retain proper Counsel for the Plaintiff, and to support the said Action: Provided always, and it is hereby expressly declared to be the true Intent and Meaning of this Act, that the aforesaid Bonds so to be given in His Majesty's Name, are to be taken to be in Trust only, for the Use and Benefit of the said Parish of *Saint John*; and that whenever any Judgment is recovered for the Penalty thereof, the same shall remain cautionary; and Execution shall issue thereon, only for such Sum of Money as, on Proof, it may appear to the said Court, that the said Parish has actually sustained in Injury, in Cases where the Breaches may be of that Kind or Nature as to be ascertained or reduced to any certainty in Damages: but where the Damages cannot be so ascertained, Execution may issue for the full Amount of the Judgment recovered: And provided also, that the Evidence and Testimony of any Parishioner, or Inhabitant, of the said Parish, shall be admitted on the Trial of such Action as aforesaid, notwithstanding he or she may contribute to the Payment of any Rates or Taxes to the said Parish.

VIII.

35th GEO. III.

No. 499.

A. D. 1794.

VIII. And be it enacted by the Authority aforesaid, that the Vestry of the said Parish of *Saint John*, shall, allow hereafter, a fixed Sum for every Year, as a Compensation to the Churchwarden, or Churchwardens, for transacting the Business of the said Office; which said fixed Sum shall be payable and defrayed out of the Collection, when he or they may have settled his or their Account to the Satisfaction of the Vestry: Provided nevertheless, that nothing herein contained, shall be deemed, or be construed to extend, to restrain the said Vestry, from allowing to the collecting Churchwarden of *that* Rate or Duty, imposed in and by a certain Act of this Island, on the Value of Goods, Wares, and Merchandizes sold by non-resident Traders,—and commonly called the Transient Tax, and appropriated by the said Act for the sole Benefit of the Poor of the said Parish,—a further Compensation, by Way of Commission, not exceeding five *per Centum* for his extraordinary Trouble on that Occasion; any Law, Usage, or Custom to the contrary thereof in any wise notwithstanding.

Vestry to compensate Churchwardens, by yearly fixed Sum; payable from Collection, on Settlement of Account.

Collector of Transient Tax under Act No. 469, dated 13th July, 1790, may have further Compensation, not exceeding five *per Cent*.

Dated at *Antigua*, this thirtieth Day of *December*, in the Year of our Lord one thousand seven hundred and ninety-four, and of His Majesty's Reign the thirty-fifth.

JAMES ATHILL, *Speaker*.

Passed the Assembly, this first Day of *December*, one thousand seven hundred and ninety-four.

ANTHONY BROWN,
Clerk of the Assembly.

Passed the Council, this first Day of *December* one thousand seven hundred and ninety-four.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

ANTIGUA. Passed by the Commander-in-Chief at *Antigua*, this thirtieth Day of *December*, one thousand seven hundred and ninety-four.

JOHN (L. S.) STANLEY.

ANTIGUA. Published, this thirtieth Day of *December*, one thousand seven hundred and ninety-four.

ROBERT CLOGSTOUN, *Dep. Pro. Marshal.*

No. 500.

*Act of 26th
June, 1802,
No. 566, which
revives origi-
nal Act of 20th
July, 1773,
(No. 348)
suffers this,
with the Acts of
Revival men-
tioned in the
Preamble, to
expire.*

No. 348.

An Act for reviving, amending, and further continuing an Act, intituled, An Act for laying a Duty of Powder on all Vessels trading to and from this Island, for the Protection of the Trade of the same; and for indemnifying the Collector of the said Duty.

WHEREAS an Act, intituled, *An Act for laying a Duty of Powder on all Vessels trading to and from this Island, for the Protection of the Trade of the same*, dated the twentieth Day of July, one thousand seven hundred and seventy-three, and since revived, continued and amended, by eight other Acts, dated the sixth Day of January, one thousand seven hundred and seventy-five, the thirtieth Day of November, one thousand seven hundred and seventy-five, the fourth Day of October, one thousand seven hundred and seventy-seven, the eleventh Day of May, one thousand seven hundred and seventy-nine, the twenty-eighth Day of December, one thousand seven hundred and eighty, the tenth Day of June, one thousand seven hundred and eighty-five, the twenty-third Day of October, one thousand seven hundred and eighty-nine, and the thirteenth Day of December, one thousand seven hundred and ninety-two, together with the above mentioned Acts for reviving, amending and continuing thereof, expired at the Meeting of the Council and Assembly of this Island, next after the said thirteenth Day of December, one thousand seven hundred and ninety-two; We, therefore, Your Majesty's most loyal and obedient Subjects, the Commander-in-Chief of Your Majesty's *Leeward Caribbee* Islands, and the Council and Assembly of this Your Majesty's Island *Antigua*, humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That the said first recited Act, together with the several said Acts for reviving, continuing, and amending thereof, (except as herein-after excepted,) shall stand revived, and be and continue in force from the Day of the Publication of this Act, for the Space of three Years, and, from thence, to the next Meeting of the Council and Assembly of this Island.

II. And whereas by the said last recited Act, it is enacted and ordained, That every Master or Commander of any Ship or Vessel, trading to and from this Island, shall, before his Departure, from the same, pay into the Hands of the Collector and Receiver, that is

or

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No. 500.

A. D. 1795.

or shall be appointed for that Purpose, one Half of a Pound of Powder for each Ton, according to the Register of the Ship or Vessel under his Command; one Moiety of which, or one-eighth Part of a Pound of Powder, was to be paid in Cannon Powder; one-eighth Part of a Pound of Powder in Pistol Powder; and the other two-eighths of a Pound of Powder were to be paid in Money, valuing Cannon Powder at fifteen Pence *per* Pound, and Pistol Powder at eighteen Pence *per* Pound, current Gold and Silver Money of this Island; And whereas the Hostilities lately commenced against Your Majesty's Subjects, by the Executive Government of *France*, make it necessary that the said Powder Duty, should be amended, and that the whole Amount thereof should be paid in Powder only; be it therefore enacted and ordained by the Authority aforesaid, that from and after the passing of this Act, the Master or Commander of every Vessel trading to this Island as aforesaid, shall, before his Departure as aforesaid, pay to the Collector or Receiver of the said Powder Duty, one Pound of Powder, for every Ton Burthen of his Ship or Vessel, according to her Register, that is to say, one Half of a Pound of Pistol, and one Half of a Pound of Cannon Powder; and that no Part thereof shall be paid in Money: Any thing in this, or any other Act, to the contrary notwithstanding.

III. And be it, and it is hereby enacted by the Authority aforesaid, That all Shallops, and Vessels qualified as Sugar Droughers, and not registered at more than eighty Tons, which shall clear for any Island within this Government, are hereby declared to be exempted from the said Powder Duty.

IV. And whereas since the Expiration of the said last mentioned Act, dated the thirtieth Day of *November*, one thousand seven hundred and ninety-two, the Collector appointed under that or some of the former recited Acts, hath continued to demand and collect the Duties of Powder, laid and imposed by the said several Acts, in the Manner and Form herein-before particularly directed and appointed, under an Expectation that the said Act or Acts would have been continued or earlier revived, as was heretofore customary: And whereas the collecting and receiving the said Duties of Powder hath been of great Benefit to this Island, by furnishing our Magazine with a Supply of that Article so necessary for our Defence in time of War, and that in a manner so easy and effectual: For quieting, therefore, the said Collector of the said Duties, and for preventing any Disputes or Inconveniencies which might,

Clause of Indemnity.

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might, otherwise, happen or arise from such Collection of the said Duties, and from omitting sooner to revive the said Acts; be it enacted and ordained by the Authority aforesaid, That the said Collector of the said Duty of Powder, and all and every Person and Persons acting in the said Collection under him, shall be, and are hereby indemnified freed and discharged of, and from, and against all Penalties, Fines, Damages, and Recoveries whatsoever, and of, from, and against all Bills, Complaints, Actions, Informations, or Suits whatsoever, which might have been brought against him or them, or any of them, by any Person or Persons whomsoever, for any Matter or Thing done and performed by him the said Collector, or any other Person or Persons acting in the said Collection under him, agreeable to the Directions of the said Act, or any of the said herein-recited Acts, since the Time of their Expiration. And be it hereby further enacted and ordained by the Authority aforesaid, That the said Collector, and all and every Person and Persons legally acting under him as before specified, upon being impleaded, or proceeded against at Law, as aforesaid, may, and it is hereby declared lawful for them to plead the General Issue, and give this Act in Evidence: any Law, Usage or Custom to the contrary notwithstanding.

Dated at *Antigua*, the thirtieth Day of *January*, in the Year of our Lord one thousand seven hundred and ninety-five, and of His Majesty's Reign the thirty-fifth.

JAMES ATHILL, *Speaker*.

Passed the Assembly, this twenty-ninth Day of *January*, one thousand seven hundred and ninety-five.

ANTHONY BROWN,
Clerk of the Assembly.

Passed the Council, this twenty-ninth Day of *January*, one thousand seven hundred and ninety-five.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

ANTIGUA. Passed by the Commander-in-Chief the thirtieth Day of *January*, one thousand seven hundred and ninety-five.

JOHN (L. S.) STANLEY.

Published, this thirtieth Day of *January*, one thousand seven hundred and ninety-five.

35th GEO. III.

Nis. 501, 502.

A. D. 1795.

An Act to enable the Governor or Commander-in-Chief, with the Advice and Consent of the Council and Assembly of this Island, to assemble the Militia, for certain Purposes during the present War, when Martial Law is not in force; and for ascertaining the Authority of the Civil Power during Martial Law.

No. 501.
EXPIRED.

Dated 7th May, 1795.

An Act for granting an Annuity or yearly Sum of six hundred Pounds, unto the Honourable Edward Byam, President of His Majesty's Council of this Island Antigua.

No. 502.
CONFIRMED,
by the King in
Council.

WHEREAS at a Meeting of the Assembly of this Your Majesty's Island Antigua, upon Wednesday, the twenty-second Day of April, in the Year of our Lord one thousand seven hundred and ninety-five, it was resolved unanimously, That it was the Opinion of the said House of Assembly, a yearly Salary or Sum of six hundred Pounds ought to be paid, out of the Treasury, unto the Honourable Edward Byam, President of Your Majesty's Council for this Island, during the Time he should continue in that Office, as some Reward or Compensation, for his long and faithful Services as President and temporary Commander-in-Chief of this Island; for his very great and unremitted Attention to the Peace and Safety of this Community; for his having resigned the lucrative Office of Treasurer, that he might devote all his Time and Attention to the Duties of his important Station as President; and the future Benefits, which there was every Reason to suppose this Island would derive, from a continued Exertion of the same Zeal and Abilities, which upon every Occasion he has shewn for the Public Welfare: And the said Resolution having, upon the same Day, been communicated to Your Majesty's Council for this Island, the said Board did unanimously concur with the said House of Assembly, in entertaining the same Sentiments of the said Edward Byam, the President of that Board, as were expressed in the said Resolution, and did most readily assent to, and give their Approbation for a Compensation to be granted to him,

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No. 502.

A. D. 1795.

ACT.
Treasurer to
pay Hon.
Edward Byam
Annuity of
£600l. cur-
rency;
to commence
1st of *May*,
1795, and
continue du-
ring said *E.*
Byam's Pre-
sidency.

Proviso.

Receipt of
President,
Voucher to
Treasurer.

Act not to be
a Precedent.

him, for his long and faithful Services, under the Pressure of which he had been obliged to resign the lucrative Office of Treasurer of this Island; and that they should, therefore, be at all times ready to coincide, in the most effectual Measures, for making good the Payment of the yearly Salary, to him, of six hundred Pounds out of this Island; We, therefore, Your Majesty's loyal and obedient Subjects, the Commander-in-Chief of Your Majesty's *Leeward Caribbee* Islands for the time being, and the said Council and Assembly of this Your Majesty's Island *Antigua*, do most humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That there shall be paid, out of the Public Treasury of this Island *Antigua*, and the Treasurer of the said Island, or his lawful Deputy for the time being, is hereby authorized and required to pay unto the said *Edward Byam*, the clear yearly Sum of six hundred Pounds, current Money of this Island *Antigua*, and so in proportion for a less Time than a Year, to begin and commence upon the first Day of *May*, in the Year of our Lord one thousand seven hundred and ninety-five, and to continue to be paid and payable yearly and every Year, for so long a time as the said *Edward Byam* shall continue in his said Office of President of Your Majesty's Council of this Island *Antigua*, and no longer: Provided always, and it is hereby declared, enacted, and ordained by the Authority aforesaid, that no Part of the said Annuity or yearly Sum of six hundred Pounds shall be actually paid to, or received by the said *Edward Byam*, until he shall have settled his Public Accounts as Treasurer of this Island, and the Balance, if any, due from him upon such Settlement, shall have been paid into the Public Treasury of this Island.

II. And be it also enacted by the Authority aforesaid, That the Receipt or Receipts of the said *Edward Byam*, his Executors, or Administrators, for any Sum or Sums of Money paid unto him or them, by the Treasurer of this Island, or his lawful Deputy for the time being, in pursuance of, and according to the true Intent and Meaning of this Act, shall be a sufficient Voucher, or sufficient Discharges to the said Treasurer, or his Deputy, for the Sum or Sums of Money, in such Receipt or Receipts, mentioned or specified; and shall be accordingly so allowed to the said Treasurer, or his Deputy, in settling or passing his Public Accounts.

III. And it is hereby also declared, That nothing in this Act contained, shall form an Example, or be cited or quoted as a Precedent,

35th GEO. III.

Nis. 502, 503.

A. D. 1795.

cedent, for granting any Reward, Re'compense, or Allowance to any future President, for any Reason or upon any Pretence whatsoever.

IV. Provided always, and it is hereby further enacted and ordained, That no Part of the said Annuity, or yearly Sum, of six hundred Pounds herein-before granted, or intended to be granted unto the said *Edward Byam*, shall in any wise be paid unto, or received by the said *Edward Byam*, his Executors, or Administrators, until this Act shall have been ratified and confirmed by Your Most Excellent Majesty; and such Confirmation shall have been duly signified.

Annuity not
to commence
till Act be
confirmed.

Dated at *Saint Christopher's*, the eighth Day of *June*, in the Year of our Lord one thousand seven hundred and ninety-five, and of His Majesty's Reign the thirty-fifth.

JAMES ATHILL, *Speaker*.

Passed the Assembly, this twenty-first Day of *May*, one thousand seven hundred and ninety-five.

ANTHONY BROWN,
Clerk of the Assembly.

Passed the Council, this fourth Day of *June*, one thousand seven hundred and ninety-five.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

Passed by the Commander-in-Chief at *Saint Christopher's* the eighth Day of *June*, one thousand seven hundred and ninety-five.

JOHN (L. S.) STANLEY.

ANTIGUA. Published this seventeenth Day of *June*, one thousand seven hundred and ninety-five.

ROBERT CLOGSTOUN, *Dep. Pro. Marshal.*

An Act for preventing Abuses in the Importation and Sale of Bottled Liquors. No. 503.
EXPIRED.

Dated 15th *June*, 1795.

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Nis. 504, 505.

A. D. 1795.

No. 504.
EXPIRED.

An Act for raising a Fund to defray the Expenses, of this Island, occasioned by the present War, since the first Day of June, one thousand seven hundred and ninety-four.

Dated 15th June, 1795.

No. 505.

SUPERSEDED
by Act of 22d
May, 1802,
(No. 563,) making the
original Act
of 4th Nov.
1786, (No.
472,) perpe-
tual.

No. 472.

An Act for reviving and continuing an Act, intituled, An Act for the more equal Distribution of Estates sold by virtue of Executions.

WHEREAS an Act, intituled, *An Act for the more equal Distribution of Estates sold by virtue of Executions*, dated at *Antigua*, the fourth Day of *November*, in the Year of our Lord one thousand seven hundred and eighty-six, and confirmed by Your Most Excellent Majesty in Council, upon the twenty-first Day of *October*, one thousand seven hundred and eighty-nine, did expire, at the Meeting of the Council and Assembly of this Your Majesty's Island *Antigua*, upon the thirtieth Day of *December* last: And whereas the said Act hath been found by Experience, to have been beneficial to the Inhabitants of this Island, and to the Trade and Commerce thereof; We, therefore, Your Majesty's loyal and obedient Subjects, the Commander-in-Chief of Your Majesty's *Leeward Caribbee* Islands, and the Council and Assembly of this Your Majesty's Island *Antigua*, do humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That the said Act, intituled, *An Act for the more equal Distribution of Estates sold by virtue of Executions*, shall be revived, and be, continue, and remain in full force, from the Publication hereof, for and during the Space or Term of *seven* Years from thence next ensuing, and, from thence, until the next Meeting of the Council and Assembly of this Island.

Dated at *Saint Christopher's*, the fifteenth Day of *June*, in the Year our Lord one thousand seven hundred and ninety-five, and of His Majesty's Reign the thirty-fifth.

JOHN TAYLOR, *Speaker, pro tempore.*

Passed

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Nis. 505—507.

A. D. 1795.

Passed the Assembly, this fifth
Day of *February*, one thou-
sand seven hundred and nine-
five.

ANTHONY BROWN,
Clerk of the Assembly.

Passed the Council, this ele-
venth Day of *June*, one
thousand seven hundred and
ninety-five.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

Passed by the Commander-in-Chief, the fifteenth Day of *June*,
one thousand seven hundred and ninety-five.

JOHN (L. S.) STANLEY.

ANTIGUA. Published this seventeenth Day of *June*, one thou-
sand seven hundred and ninety-five.

ROBERT CLOGSTOUN, *Dep. Pro. Marshal.*

An Act for providing an additional Support, and con-venient Habitation, for the Reception and Residence of His Excellency, Major General Charles Leigh, during his actual Residence within this Government, of these His Majesty's Leeward Caribbee Islands; and for appointing particular Funds for the Payment thereof.

No. 506.
OBSOLETE.

Dated 1st August, 1795.

An Act for granting a suitable Provision, to such of the Inhabitants of this Island, as may be disabled by Wounds, received in the Discharge of their Military Duty; and to provide a suitable Maintenance, for the Wives and Families of such as may be slain in similar Circumstances.

No. 507.
Respecting
Compensation
to Owner of
Slave killed or
wounded, See
No. 19.

Respecting
Provision for
Regular Sol-
dier wounded,
and Family of
Soldier killed,
See No. 78.

WHEREAS many Inhabitants of this Island, doing Duty in the
Militia thereof, are in Possession of little or no Property or Income,

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No. 507.

A. D. 1796.

Inhabitant dependent on Labor having served in Militia,—wounded so as to affect his Livelihood; to receive Maintenance from Treasury at the rate of 70% *min.* annually.

Unprovided Widow of Inhabitant slain; to receive 40% *min.* annually during her Widowhood.

Children entitled to Maintenance of 20% *min.* annually, till fourteen.

Person wounded desirous of Maintenance, to petition Council and Assembly.

Petition to state as in Clause.

but what arises from their personal Labour, to maintain themselves and their Families: it is therefore required by Justice, Humanity, and sound Policy, that a suitable Provision should be made for the Maintenance of Persons of this Description, who, in case of an Attack by the Common Enemy, Insurrection of Slaves, or any other internal Disturbance, shall be so severely wounded in the Discharge of their Military Duty, as to be disabled from earning their Livelihood, in the Manner they were accustomed to do; We, therefore, Your Majesty's dutiful, loyal, and obedient Subjects, the Governor-in-Chief of Your Majesty's *Leeward Caribbee* Islands in *America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, do humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That if any Inhabitant of this Island, actually serving in the Militia thereof, and whose Subsistence depends chiefly or entirely on his personal Labour, shall be so severely wounded in the Discharge of his Military Duty, as to be rendered incapable of earning his Livelihood in his usual and customary Manner, he shall be intitled to receive, out of the Public Treasury of this Island, a sufficient Maintenance, not less than at the rate of seventy Pounds, current Money of this Island, annually.

II. And be it also enacted and ordained by the Authority aforesaid, That in case any Inhabitant of this Island, serving in the Militia thereof, shall be slain in the Discharge of his Military Duty, leaving a Widow and Family unprovided for; his Widow shall be entitled to receive, out of the Public Treasury of this Island, a sufficient Maintenance, not less than at the rate of forty Pounds, current Money of this Island annually, during the Term of her Widowhood, and no longer, and each of the Children of the Person so slain as aforesaid, shall be intitled to a Maintenance, out of the Public Treasury of this Island, not less than at the rate of twenty Pounds, current Money of the said Island annually, till such Child shall have attained the Age of fourteen Years, and no longer.

III. And be it also enacted and ordained by the Authority aforesaid, That any Person serving in the Militia of this Island, and severely wounded in the Discharge of his Military Duty, and who is desirous of availing himself of the Maintenance granted by this Act, shall apply by Petition to the Council and Assembly of this Island; and the Petition must contain an Account of his Station in the Militia, also an Account of the particular Service in the Discharge

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Discharge of which he was wounded, with a true Statement of the Property or Income of which he is possessed: and to the said Petition must be annexed a Report, drawn up and signed by two or more Surgeons, Practitioners in this Island, containing their Opinion of the Nature of his Wound or Wounds, the Degree of his Disability consequent upon it or them, and the probable Duration of that Disability: and if, upon due Consideration of the said Petition and surgical Report annexed, the two Houses of the Legislature shall declare the Petitioner to be intitled to receive a Maintenance out of the Public Treasury of this Island, the Treasurer shall be directed to pay to the Petitioner, or his Order, such Sum or Sums as his Merit and Sufferings shall appear to entitle him to, and at such Periods of Time, and for such a Term of Years, as to both Houses shall seem proper, but not less than at the rate of seventy Pounds, current Money of this Island, annually.

Report of Surgeons,—stating as in Clause, to be annexed.

If both Houses consider Petitioner entitled, —Treasurer to pay him, under their Direction, 70*l.* min. annually.

IV. And be it also enacted and ordained by the Authority aforesaid, That in case any Inhabitant of this Island, serving in the Militia thereof, shall be slain in the Discharge of his Military Duty, leaving a Wife and Children in Circumstances so necessitous, as to require the pecuniary Aid granted by this Act; the Wife shall, for herself and Children, apply, by Petition, to the Council and Assembly of this Island; and, in the said Petition, shall mention the Rank or Station her deceased Husband held in the Militia, with the Time and Place of his being slain; and also give a true Account of the whole Property or Income possessed by the said Widow or Children; and to the said Petition shall be annexed a Certificate, from the Commanding-officer of the Regiment to which the Person slain belonged, ascertaining the Fact of his having been killed in the Discharge of his Military Duty; and if, upon due Consideration of the Petition and Certificate thereto annexed, the two Houses shall declare the Claimant or Claimants to be justly intitled to the Relief granted by this Act, the Treasurer shall be directed to pay, out of the Public Treasury of this Island, to the Petitioner, or her Order, such Sum or Sums of Money as the Necessities of the Claimant or Claimants may require, and at such Periods of Time as to both Houses shall seem proper; but not less than at the rate of forty Pounds, current Money of this Island, annually, to the Widow; and not less than at the rate of twenty Pounds, of the like current Money, annually, to each of the Children; and in case the Wife should be dead, the Application shall be made, in the Form and Manner aforesaid, by the legal or natural

Widow of Person slain to petition Council and Assembly for herself and Children.

Petition to state as in Clause.

Certificate of Commanding-officer to be annexed.

If Houses sanction Claim; Treasurer to pay, under their Direction, to Widow 40*l.* min. and to each Child 20*l.* min. annually.

If Wife dead, Guardian to apply for Children.

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Nis. 507, 508.

A. D. 1796.

natural Guardian of the Child or Children of the Person so slain as aforesaid; and the Money directed to be paid, out of the Public Treasury, for the Maintenance of the Child or Children, shall be paid by the Treasurer to the Petitioner, or his or her Order.

Dated at *Saint Christopher's*, the twenty-second Day of *April*, in the Year of our Lord one thousand seven hundred and ninety-six, and of His Majesty's Reign the thirty-sixth.

JAMES ATHILL, *Speaker*.

Passed the Assembly, this twenty-fifth Day of *February*, one thousand seven hundred and ninety-six.

ANTHONY BROWN,
Clerk of the Assembly.

Passed the Council, this twenty-fifth Day of *February*, one thousand seven hundred and ninety-six.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

Passed by the Governor-in-Chief, this twenty-second Day of *April*, one thousand seven hundred and ninety-six.

C. (L. S.) LEIGH.

Published, this twenty-eighth Day of *April*, one thousand seven hundred and ninety-six.

ROBERT CLOGSTOUN, *Dep. Pro. Marshal.*

No. 508. REVIVED,
with several
correlative
Acts, by Act
of 30th
March, 1803,
(No. 573.)
See No. 456,
with Notices
of subsequent
Alterations.

An Act for reviving, continuing, and amending an Act, intituled, An Act for continuing and amending an Act, intituled, An Act for laying certain Duties on Licenses to be taken out by all Persons acting as Tavern Keepers, Punch-house Keepers, or Retailers of Wine, Rum, or other Liquors; and imposing

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No. 508.

A. D. 1796.

posing Duties on Rum, Cordial Waters and other
Strong Waters sold by Retail; and for applying
the same.

WHEREAS an Act, intituled, *An Act for continuing and amending an Act, intituled, An Act for laying certain Duties on Licenses to be taken out by all Persons acting as Tavern Keepers, Punch-house Keepers, or Retailers of Wine, Rum, or other Liquors, and imposing Duties on Rum, Cordial Waters and other Strong Waters sold by Retail; and for applying the same*; did expire on the twenty-third Day of January, in the Year of our Lord one thousand seven hundred and ninety-four, being the first Meeting of the Council and Assembly after the Expiration of three Years following the Date of the said Act; We, therefore, Your Majesty's most dutiful, loyal, and obedient Subjects, the Captain-General and Governor-in-Chief in and over all Your Majesty's *Leeward Caribbee Islands in America*, Chancellor, Vice-Admiral, and Ordinary of the same, and the Council and Assembly of this Your Majesty's Island *Antigua*, humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That the said first recited Act shall be revived, and, with the Clause of Amendment herein-after particularly mentioned, continued in force, for the Space of three Years from the Date of this Act, and, from thence, to the next Meeting of the Council and Assembly of this Island.

No. 474.

No. 474 [No. 456] to be revived, and with Amendment in S. 3. continue for limited time.

II. And whereas the Duty on Rum, Cordial Waters, and other Strong Waters, has been collected and received, notwithstanding the last Act expired on the twenty-third Day of January, in the Year of our Lord one thousand seven hundred and ninety-four; be it, therefore, further enacted and ordained, That the Treasurer of the said Island of *Antigua*, and all other Persons by him employed, in collecting and receiving the said Duty, since the twenty-third Day of January, one thousand seven hundred and ninety-four, shall be indemnified from and against all and all manner of Actions and Suits whatsoever, that shall be commenced or prosecuted against him or them, for or by reason of the Collection or Receipt of the said Duties, since the said twenty-third Day of January, one thousand seven hundred and ninety-four: and in any such Actions or Suits, it shall and may be lawful to and for the said Treasurer, or the Persons by him employed in collecting and receiving the said Tax, to plead

Treasurer and others indemnified.

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No. 508.

A. D. 1796.

plead the General Issue, and give the special Matter and this Act in Evidence; and if, upon the Trial of such Action or Suit, the Plaintiff or Plaintiffs shall discontinue or become nonsuit, or a Verdict shall pass for the Defendant or Defendants, or Judgment shall be given for the Defendant or Defendants upon Demurrer or otherwise, the Defendants shall and may recover double Costs, and have such Remedies for the same, as any Defendant or Defendants can or may have in other Cases where Costs are given by Law.

If Duty exceed Annuity of 1000*l.* to Governor, three-fourths of Surplus to be applied to Arrears of Nightly Watch in *St. John.*

III. And be it also enacted and ordained by the Authority aforesaid, That if any surplus Monies arising from the said Duties shall remain, more than sufficient to answer the Payment of the yearly Salary or Allowance of one thousand Pounds, payable to his Excellency the Governor-in-Chief for the time being; then, that three-fourth Parts of such surplus Monies, shall be reserved and appropriated, towards the Payment of the Arrears, due to the Persons lately employed in the Nightly Watch for the Town of *Saint John*, in such manner and form as the Commander-in-Chief, and the Council and Assembly, of this Island *Antigua* shall, from time to time, direct or appoint: Provided always, that nothing herein-before contained shall be used or quoted as a Precedent, for appropriating any public Monies, or any Part thereof, to or for the particular Use of the said Town of *Saint John*.

Dated at *Saint Christopher's*, the twenty-second Day of *April*, in the Year of our Lord one thousand seven hundred and ninety-six, and in the thirty-sixth Year of His Majesty's Reign.

JAMES ATHILL, *Speaker.*

Passed the Assembly, this twenty-fifth Day of *February*, one thousand seven hundred and ninety-six.

ANTHONY BROWN,
Clerk of the Assembly.

Passed the Council, this twenty-fifth Day of *February*, one thousand seven hundred and ninety-six.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

Passed by the Governor-in-Chief, this twenty-second Day of *April*, one thousand seven hundred and ninety-six.

C. (L. S.) LEIGH.

36th GEO. III.

Nis. 508, 509.

A. D. 1796.

Published, this twenty-eighth Day of *April*, one thousand seven hundred and ninety-six.

ROBERT CLOGSTOUN, *Dep. Pro. Marshal.*

An Act supplementary to an Act, intituled, An Act for establishing Courts of Common Pleas, Error, King's Bench and Grand Sessions; and for the better regulating and settling due Methods for the Administration of Justice.

No. 509.
CONTINUED,
in last in-
stance, and,
with original
and correlative
Acts, EN-
LARGED, by
Act of 16th
March, 1804,
(No. 578.)
S. 1.

WHEREAS in the said Act, intituled, *An Act for establishing Courts of Common Pleas, Error, King's Bench and Grand Sessions; and for the better regulating and settling due Methods for the Administration of Justice*, there is no Provision for compelling the Provost Marshal of this Island *Antigua*, or his lawful Deputy, to account for such Sums of Money as shall come to his Hands, or be levied, by virtue of any Writ or Writs of Execution; We, therefore, Your Majesty's loyal and obedient Subjects, the Captain-General and Governor-in-Chief in and over all Your Majesty's *Leeward Caribbee* Islands in *America*, and the Council and Assembly of this Your Majesty's Island of *Antigua*, do pray Your Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That from and immediately after the Time,—by the said Act, intituled, *An Act for establishing Courts of Common Pleas, Error, King's Bench and Grand Sessions; and for the better regulating and settling due Methods for the Administration of Justice*,—directed for the Payment of Purchase-money,—or immediately on the Payment of any Sum on account of, or in discharge of any Execution,—the Plaintiff or Plaintiffs in such Execution, shall and may apply to any one of the Justices of the Court of Common Pleas, for a Summons to be directed to the Provost Marshal, or his Deputy, or any of his Servants, or any other material Witness or Witnesses; who shall be compelled to attend on such Summons, under the same Penalties and Process as, in and by the said Act, are directed for Attendance of Witnesses in Court; requiring him or them to appear before such Justice, at a certain Day, Hour, or Place therein to be specified, then and there to answer, upon

No. 475.

ACT.
On Expiration
of Time for
Payment, in
No. 475, S.
129, 131,—or
on Payment
on account or
in discharge
of Execution,
—Plaintiff
may apply to
Justice of C.
P. for Sum-
mons to Mar-
shal or Wit-
nesses; (whose
Attendance
shall be com-
pelled under
No. 475, S.
46;) requi-
ring him or
them to ap-
pear

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K k

Oath,

36th GEO. III.

No. 509.

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pear and answer Interrogatories, on Oath.

If it appear that Marshal has, or might have received—and if he do not pay over Sum sued for in four Days after Justice's Order made on Examination;—Justice to direct Execution to Coroner on Marshal's Goods, Lands, &c. for Sum, with twenty *per Cent.*

Property levied on, to be sold in fourteen Days in *St. John's*;

Previous Notice in Newspapers.

Money to be paid down to Plaintiff—or to Plaintiffs, in Portions according to No. 472.

If Goods, &c. insufficient, Body of Marshal to be taken in Execution.

Justice's Fee.

Oath, all such Interrogatories as shall be exhibited to either of them, touching the Receipt or Payment of such Purchase-money, or any other Monies in discharge of, or on account of any Execution: and if, upon such Examination upon Oath, it shall appear that such purchase or other Monies, or any Part thereof, has or have been paid to, or received by the said Provost Marshal, or his Deputy, or any of his Servants, or any Person or Persons by his or their Orders or Directions to receive the same, in discharge of or on account of such Execution; or, that the said Provost Marshal, or his Deputy, hath neglected to receive the same; and if he or they shall not pay such Monies received, or so neglected to be received, by him or them, in four Days after such Examination and Order of the said Justice thereon; then and in such case, such Justice is hereby authorized and required, to issue an Execution, directed to the Coroner of this Island, against such Marshal, or his Deputy, and his or their Goods and Chattels, Slaves, Lands, Tenements, and Hereditaments, Rent Charges, Annuities, and Debts, for such Sum as shall appear upon such Examination to have been received, or neglected to have been received as aforesaid, by him or them, with twenty *per Centum* on the same: which Goods and Chattels, Slaves, Lands, Tenements, and Hereditaments, or so much thereof as shall be sufficient to pay the several Sums in such last mentioned Execution specified, shall be sold within fourteen Days,—Notice of such Sale being previously given in one or more of the Public Newspapers of this Island,—at any time of the Year, in the Town of *Saint John*, for ready Gold and Silver Money, to be paid down, at the Time of such Sale, into the Hands of such Plaintiff or Plaintiffs in such last mentioned Execution, or his, her, or their lawful Attorney or Attornies, as far as the same will extend, for the satisfying of such Plaintiff or Plaintiffs, in such distributive Rates or Portions as he, she, or they may be entitled to receive Payment of his, her, or their Execution by virtue of the *Act for the more equal Distribution of Estates sold by virtue of Executions*: and for want of sufficient Goods and Chattels, Lands, Slaves, Tenements, and Hereditaments, then the Body of the Marshal, or his Deputy, shall be taken and held in Execution, until Payment of all and every the Sums in such Execution mentioned to be levied and satisfied. And the Justice who shall attend on such Examination, and Issue of such Execution, shall have, for his Fee, the Sum of one Pound, ten Shillings, and four Pence, current Gold or Silver Money, which, with such other Costs for Counsel's Attendance on such Examination, shall be also taxed

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taxed in the Costs against the Marshal in such Execution. And the Coroner shall have and take, all such Fees of Levy and Sale, as the said Provost Marshal is entitled to take on Execution. And which Proceedings shall be entered, at large, under the Entry of the original Cause, in the Secretary's Book for entering Actions. Provided nevertheless, that the Plaintiff, or Plaintiffs, in such original Execution, shall and may take his and their Remedy against the Surety of such Marshal, or his Deputy, if he, she, or they shall so make their Election: any thing herein contained to the contrary notwithstanding. And the Coroner, upon the Sale of the Marshal's Goods and Chattels, Slaves, Lands, Tenements, and Hereditaments taken on such Execution, is hereby authorized to make, seal, execute, acknowledge, and suffer every lawful Act and Deed, to the Purchaser or Purchasers, as the Marshal is, in and by the said Act, authorized to do, on the Sale of Goods and Chattels, Lands, Slaves, Tenements, and Hereditaments taken in Execution, and sold by him.

Coroner's Fees.

Proceedings to be entered under original Cause.

Plaintiff may take Remedy against Marshal's Surety, at his Election.

Coroner to have same Power to make Conveyance, as Marshal under No. 475, S. 127. 128.

II. And be it also enacted and ordained by the Authority aforesaid, That it shall not be lawful for the said Provost Marshal, or his Deputy, to pay any Execution-creditor his Debt or Demand, out of the Monies levied upon a Defendant, unless such Execution-creditor shall lodge with the said Marshal, or his Deputy, an Affidavit made by such Plaintiff, or his or her Attorney, in Writing, before one of the Judges of the Court of Common Pleas, ascertaining such Demand, at the Time such Creditor shall apply to the Marshal, or his Deputy, for the Payment thereof; which said Affidavit or Deposition shall be deemed and considered as the Account and Deposition, mentioned in, and intended to have been provided for by the ninety-second Clause of the said Act, intituled, *An Act for establishing Courts of Common Pleas, Error, King's Bench and Grand Sessions; and for the better regulating and settling due Methods for the Administration of Justice.*

Marshal not to pay Execution-creditor coming-in under No. 472, unless Affidavit ascertaining Demand, made by Plaintiff or his Attorney, before Judge of C. P. be lodged with Marshal.

Clause, an Amendment to No. 475, S. 92.

III. And whereas by the one hundred and forty-fifth Clause of the said Act, intituled, *An Act for establishing Courts of Common Pleas, Error, King's Bench and Grand Sessions; and for the better regulating and settling due Methods for the Administration of Justice*, there is no Provision made for the Payment of Costs upon an Attachment, in case any thing is awarded to be due from a Debtor; be it, therefore, enacted and ordained by the Authority aforesaid, That in case any Money shall be awarded to be paid, by the Debtor to the Plaintiff, it shall and may be lawful for the Judge who awarded the same, to

Amendment to No. 475, S. 145.—where Debtor is awarded to pay Money

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Money to
Plaintiff;
Judge may
order Costs
to be paid out
of Debt.

Resident in
*United States
of America*
may prove
Debt by Me-
thods provid-
ed, in No.
475, S. 55.
for Residents
in *Ireland*,
&c.

Powers of At-
torney from
Residents in
*United States
of America*,
may be pro-
ved as in No.
475, S. 58.

Fines imposed
by K. B. and
Grand Ses-
sions, to be
recovered as
near as may
be as Penalties
on Recogni-
zances under
No. 475, S.
209.

Amendment
of No. 475,
S. 145.—

Where Debtor
to Defendant
shall not pay
in

order the Costs of the Attachment, and Proceedings thereon, to be taxed by the said Judge, to be paid out of the Money due from such Debtor; and the Plaintiff shall be only accountable, for the surplus Money remaining after the Payment of such Costs.

IV. And be it also enacted and ordained by the Authority afore-
said, That it shall and may be lawful to and for any Person or Per-
sons residing in any Part or Place of the *United States of America*, to
have and use such Methods, for proving any Debt or Account, as
are mentioned and provided, in and by the fifty-fifth Clause of the
said Act, intituled, *An Act for establishing Courts of Common Pleas,
Error, King's Bench and Grand Sessions; and for the better regulating
and settling due Methods for the Administration of Justice*, for Persons
residing in the Kingdom of *Ireland*, or in any of His Majesty's
Colonies or Plantations.

V. And be it also enacted and ordained by the Authority afore-
said, That all Letters of Attorney, Procuration, or other Powers in
Writing, made by any Person or Persons residing in any Part of the
United States of America, shall and may be proved, in the same man-
ner, as is mentioned and directed in and by the fifty-eighth Clause of
the said Act, intituled, *An Act for establishing Courts of Common Pleas,
Error, King's Bench and Grand Sessions; and for the better regulating
and settling due Methods for the Administration of Justice*.

VI. And be it also enacted and ordained by the Authority afore-
said, That all Fines, imposed, by the Court of King's Bench and
Grand Sessions of the Peace for this Island *Antigua*, for the neglect
and default of any Coroner, Juror, Waywarden, Constable, or other
Person, shall and may be sued-for and recovered, as nearly as may
be, in the Manner and Form directed and appointed, in and by the
two hundred and ninth Clause of the said Act, intituled, *An Act for
establishing Courts of Common Pleas, Error, King's Bench and Grand
Sessions; and for the better regulating and settling due Methods for the
Administration of Justice*, for recovering the Sums due upon forfeited
Recognizances.

VII. And whereas no Provision is made by the one hundred and
forty-fifth Clause, or any other Clause of the said Act, directing an
Execution to issue for any Debt confessed, or awarded, to be due
from any Debtor to a Defendant; therefore, it is hereby enacted by
the Authority aforesaid, That in case any Debt so confessed, or
awarded due, from a Debtor or Debtors of a Defendant, shall not be
paid within the Time such Debtor or Debtors shall be directed to
pay the same, an Execution shall and may issue against such Debtor
or

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or Debtors, or his or their Goods, Chattels, Lands, Tenements, Hereditaments, Rent Charges, or Annuities; (but not against the Debtor's Debts;) and against his Body in default thereof; and to be proceeded upon as against Defendant or Defendants in other Cases; with similar Costs and Damages.

In time directed, Execution to issue as in other Cases.

See No. 475, S. 88. 103.

VIII. And whereas, for amending the eighty-ninth Clause of the said Act, and for the more effectually preventing any Executions being levied for Penalties; it is hereby enacted by the Authority aforesaid, That where Judgment is obtained for a Penalty, and a Writ of Execution therein issued, the Plaintiff or Plaintiffs, or his, her, and their Attorney, shall make an Affidavit before one of the Justices of the Court of Common Pleas, of the Sum *bona fide* due to him from the Defendant or Defendants, to the best of the Knowledge and Belief of the Party swearing; which Sum shall be endorsed upon the said Writ of Execution, before such Writ of Execution shall be delivered to the Provost Marshal, or his Deputy, or within twenty-four Hours afterwards, unless the next Day should be *Sunday*, and then within forty-eight Hours afterwards; and no actual Levy shall be made by the Provost Marshal, or his Deputy, by virtue of the said Execution, until such Affidavit and Endorsement shall be made as aforesaid; and such Affidavit shall be filed in the Secretary's Office of the said Island.

Amendment of No. 475, S. 89.

On obtaining Execution for Penalty on Bond; Plaintiff, or Plaintiff's Attorney, to make Affidavit of Sum due, and endorse it on Writ.

No Levy till Endorsement made, and Affidavit filed in Secretary's Office.

IX. And whereas it may and very often does happen, that Writs of Subpoena to compel the Attendance of Witnesses, cannot be personally served in the Manner directed by the forty-sixth Clause of the said Act; be it therefore enacted, That all Writ or Writs of Subpoena, which shall hereafter issue in any Case whatever, shall and may be left at the usual Place of Abode of any Witness or Witnesses, two Days before the Day preceding the Day of Attendance; any thing in the said Act contained to the contrary thereof notwithstanding. And any Witness or Witnesses, neglecting to attend, on due Proof of the Service of such Subpoena in manner above mentioned, shall be subject and liable to the Fine imposed by the said forty-sixth Clause of the said Act.

Amendment of No. 475, S. 46.

Service of Subpoena at Abode of Witness three Days preceding Day of Attendance; to render Witness liable to Fine for Non-attendance.

X. And whereas it is expressly enacted, by the seventy-third Clause of the said herein-before first recited Act, amongst other Things contained in the said Clause, that no Rule or Order for a new Trial, or for staying or arresting any Judgment, shall, in any case, be granted in the first Instance, or upon the first Application; but only a Rule or Order to shew Cause, at a subsequent Court, why a new Trial should not be granted, or Judgment arrested: And

Explanation of No. 475, S. 73. as affecting S. 71.

whereas,

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Where *general* Verdict found, after *special* Verdict directed; Motion for new Trial to be granted, and Rule made absolute, in first Instance.

The thirty Days' Notice of Sale of Real Property directed in No. 475, S. 124; to be computed from Date of first Newspaper inserting it:—

Explanation of No. 475, S. 193.

Justice of C.P. may, on Application of Counsel, grant *Habeas Corpus*, and remand or discharge with or without Bail, when Courts not sitting.

whereas, by the seventy-first Clause of the same, it is expressly declared, that if either Party require a special Verdict, and the Court shall direct the Jury to find specially, and the Jury shall nevertheless find a general Verdict it shall be a good Cause for a new Trial, if prayed for; be it therefore enacted and declared, That, in any case of a *general* Verdict, being so found when the Court has actually directed a *special* Verdict, whenever a Motion is made for a new Trial, or for staying or arresting Judgment, on the true Ground of a Party having applied for a *special* Verdict, and the Court having directed one to be found accordingly, that such Motion shall be considered as a Motion of Course, and the Rule or Order shall be made absolute in the first Instance; any thing to the contrary thereof in the said seventy-third Clause, in any wise notwithstanding.

XI. And be it further enacted, That, when any Plantation, Lands or Tenements, are to be exposed to Sale by the said Provost Marshal, or his lawful Deputy, after thirty Day's Notice given in the Newspapers as directed by the one hundred and twenty-fourth Clause of the said first recited Act,—the Time of Computation of the said thirty Days shall commence and proceed from the Date of the first Newspaper of this Island, in which such Notice of Sale shall be first inserted, and not otherwise.

XII. And whereas it is enacted, by the one hundred and ninety-third Clause of the said first recited Act, That during the Recess of the said Court of King's Bench and Grand Sessions, any two Justices of the said Court, being also Justices of the Court of Common Pleas of this Island, may take and admit Bail, in all Cases, as fully as the Court of King's Bench in *England* is empowered to do; yet as Doubts may arise on the Construction of the said Clause, respecting the Extent of the Power of the said Justices in issuing of the Writ of *Habeas Corpus* by the Common Law, and discharging without Bail, when neither the said Court of King's Bench and Grand Sessions, nor Court of Common Pleas is sitting; be it, therefore, enacted and declared by the Authority aforesaid, That on Motion or Application by Counsel, to any two or more Justices of the said Court of Common Pleas, when neither the Court of King's Bench and Grand Sessions, nor Court of Common Pleas is actually sitting, for the said Writ of *Habeas Corpus*, the said Justices, or any two of them, may and are hereby fully authorized, at any time, out of Court, to issue the said Writ, to make the same returnable before them, either out of Court or in Court; and to hear and determine thereon; and in all

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all Cases, to remand or discharge with, or without Bail, as to them shall seem fit, as effectually as the said Court of King's Bench or Grand Sessions, or Court of Common Pleas, could or might determine, if sitting.

XIII. And whereas, from a Deficiency in the usual Number of White Inhabitants of this Island, it hath been found by Experience, That it is often difficult, to procure a sufficient Number of Persons to serve as Jurors, in the said Courts of Common Pleas and Grand Sessions, who are duly qualified according to the Rules or Regulations mentioned in the said recited Act; be it, therefore, enacted and ordained by the Authority aforesaid, That, from and after the Publication of this Act, it shall and may be lawful to and for the Provost Marshal, or his lawful Deputy, for the time being, and he is hereby required, to summon all and every Person or Persons who are entrusted with the immediate Care or Management of any Sugar Plantation in this Island, to serve as Jurors in the said Courts of Common Pleas, and King's Bench and Grand Sessions, in the same manner as other Persons are directed to be summoned, and to serve, in and by the said Act; and such Managers are hereby declared to be duly qualified to serve as Jurors aforesaid; and are hereby declared to be subject and liable, to the same Fines and Penalties for Non-attendance, as are imposed upon other Persons liable to serve as Jurors by the said Act.

Managers of Plantations may be summoned by Marshal, as Jurors, in form directed by No. 475, S. 60, &c.

*—declared qualified as Persons in S. 62. 201.
—liable to Fines in S. 63. 203.*

XIV. And be it also enacted, That this Act shall be and continue in force from the Date hereof until the tenth Day of May, one thousand, seven hundred and ninety-seven, and from thence to the next Meeting of the Council and Assembly of this Island.

By No. 578, Act in force from 16th March, 1804, for seven Years and till the Meeting of the Houses.

Dated at Saint Christopher's, the twenty-second Day of April, in the Year of our Lord one thousand seven hundred and ninety-six, and of His Majesty's Reign the thirty-sixth.

JAMES ATHILL, *Speaker.*

Passed the Assembly, this seventeenth Day of March, one thousand seven hundred and ninety-six.

Passed the Council, this seventeenth Day of March, one thousand seven hundred and ninety-six.

ANTHONY BROWN,
Clerk of the Assembly.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

Passed

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Nis. 509, 510.

A. D. 1796.

Passed by the Governor-in-Chief, this twenty-second Day of April, one thousand seven hundred and ninety-six.

C. (L. S.) LEIGH.

ANTIGUA. Published, this twenty-eighth Day of April, one thousand seven hundred and ninety-six.

ROBERT CLOGSTOUN, *Dep. Pro. Marshal.*

No. 510. *An Act for providing additional Subsistence for the Gunners and Matrosses employed upon the Forts and Batteries of this Island Antigua; and for the better Regulation of the said Matrosses.*

ENLARGED
by Act of 27th
January, 1798,
(No. 525.)

PREAMBLE.

WHEREAS the yearly Sum of forty-five Pounds, hitherto allowed for the Subsistence of the Gunners, and the yearly Sum of thirty Pounds, hitherto allowed for the Subsistence of the Matrosses, employed upon the Forts and Batteries of this Island *Antigua*, hath been found insufficient for their Support; and the Public may lose the Service of the said Gunners and Matrosses, unless some Addition is made to their Subsistence; We, therefore, Your Majesty's loyal and obedient Subjects, the Captain-General and Governor-in-Chief in and over all Your Majesty's *Leeward Caribbee* Islands in *America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, do pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That from and after the first Day of *June*, the first Day of *September*, the first Day of *December*, and the first Day of *March*, which ever shall first happen after the Publication of this Act, there shall be paid and allowed, to every Matross duly entered and employed upon any Fort or Battery in this Island of *Antigua*, the monthly Subsistence or Sum of five Pounds, current Gold or Silver Money of this Island; and to every Gunner constantly residing upon any Fort or Battery in this Island, the monthly Subsistence or Sum of five Pounds ten Shillings, like current Gold or Silver Money; to be paid Quarterly, or every three Months, by the

ACT.
After 1st June,
1796, Matross
to be paid at
rate of 5*l.*;
Gunner,
5*l.* 10*s.* per
Month;—
Payments to
be quarterly.
Matross to
produce Cer-
tificate from
Gunner; Gun-
ner, his Com-
mission.

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No. 510.

A. D. 1796.

the Treasurer of this Island, or his lawful Deputy for the time being, upon such Matross producing and leaving with the said Treasurer, or his Deputy, a Certificate, in the Form now used, from the Gunner of such Fort and Battery, of the Pay due to such Matross; and upon such Gunner producing to the Treasurer his Commission or Appointment.

II. And be it also enacted and ordained by the Authority aforesaid, That no Person shall be entered or received to serve as a Matross upon any Fort or Battery of this Island, unless such Person shall have declared his Consent to serve as a Matross before one of His Majesty's Justices of the Peace for this Island; and if any Gunner shall receive any Person as a Matross, without a Certificate of such Declaration, signed by the Justice before whom it was made, such Gunner shall suffer such Punishment, as shall be inflicted upon him by the Sentence of a General Court Martial.

No Matross to be entered unless he declare his Consent before Justice; Gunner receiving Matross without Justice's Certificate of Consent, punishable by Court Martial.

III. And be it also enacted and ordained by the Authority aforesaid, That if any Person shall be so duly entered and received as a Matross, upon any Fort or Battery of this Island, such Person or Matross shall not be at liberty to quit his Duty or Service upon the said Fort or Battery, without having first given one Calendar Month's Notice of such his Intention to quit the said Service, to the Gunner of such Fort or Battery; unless discharged by the Commanding-officer of such Fort or Battery, or by the Sentence of a Court Martial; upon Pain of suffering such Punishment, as shall be inflicted upon him by the Sentence of a Court Martial.

No Matross to quit without one Month's Notice to Gunner, unless discharged; on Pain of Punishment by Court Martial.

Dated at *Saint Christopher's*, the twenty-second Day of *April*, in the Year of our Lord one thousand seven hundred and ninety-six, and of His Majesty's Reign the thirty-sixth.

~JAMES ATHILL, *Speaker*.

Passed the Assembly, this thirtieth Day of *March*, one thousand seven hundred and ninety-six.

Passed the Council, this thirtieth Day of *March*, one thousand seven hundred and ninety-six.

ANTHONY BROWN,
Clerk of the Assembly.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

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L I

Passed

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Nis. 510, 511.

A. D. 1796.

Passed by the Governor-in-Chief, this twenty-second Day of *April*, one thousand seven hundred and ninety-six.

C. (L.S.) LEIGH.

ANTIGUA. Published, this twenty-eighth Day of *April*, one thousand seven hundred and ninety-six.

ROBERT CLOGSTOUN, *Dep. Pro. Marshal.*

No. 511.

CONTINUED
by Act of 16th
June, 1803,
(No. 574.)
See No. 131,
and No. 485,
with Notices
of Alterations.

An Act to continue, alter and amend an Act, intituled, An Act to alter, revive, and amend an Act, intituled, An Act to alter and amend an Act, intituled, An Act for regulating the Militia of this Island; and for the further Regulation of the said Militia; and fixing and appointing the Times when Martial Law shall be in force in this Island; and declaring and establishing Rules and Articles of War for the better Government of the Militia at those Times.

PREAMBLE.

WHEREAS some Defects have been discovered in the Act now in force, intituled, *An Act to alter, revive, and amend an Act, intituled, An Act to alter and amend an Act, intituled, An Act for regulating the Militia of this Island; and for the further Regulation of the said Militia; and fixing and appointing the Times when Martial Law shall be in force in this Island; and declaring and establishing Rules and Articles of War, for the better Government of the Militia at those Times;* and some Doubts have been entertained respecting the Operation of Parts of the said Act, and particularly upon the Construction of the forty-ninth Clause, limiting the Punishment, to be inflicted by Courts Martial, to Death, or Fine, or Imprisonment, contrary to the Nature of Punishment prescribed by the Rules and Articles of War, for particular Offences therein provided for: therefore, to remedy the said Defects, and to clear up the said Doubts; We, Your Majesty's

most

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No. 511.

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most loyal and obedient Subjects, the Governor-in-Chief of Your Majesty's *Leeward Caribbee* Islands in *America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That nothing in the forty-ninth Clause of the said Act contained, shall extend, or be construed to extend to prevent a Court Martial, from inflicting such Punishment as is prescribed in the Rules and Articles of War.

ACT.
No. 485, S.
49. not to ex-
tend to pre-
vent Court
Martial from
inflicting
Punishment
prescribed in
Articles of
War, No. 485,
S. 45.

II. And whereas it appears improper, and in some Cases may be inconsistent, for the Commanding-officer of a Corps to issue a Warrant for the holding a General Court Martial, for the Trial of Delinquents belonging to such Corps, as it may happen, thereby, that a junior or inferior Officer may order and direct a senior or superior Officer; be it, therefore, enacted and ordained by the Authority aforesaid, That in all Cases which shall hereafter arise, it shall and may be lawful for the Captain-General or Commander-in-Chief of the *Leeward* Islands,—or, in case of his Absence, for the President of the Council of this Island, upon Application being made to him for that Purpose, in such manner as by the said Act is directed to be made by the Colonel or Commanding-officer of a Corps,—from time to time, to issue a Warrant under his Hand and Seal, directed to the Adjutant of the Corps to which the Delinquent or Delinquents to be tried shall belong, for the holding and assembling of all General Courts Martial; and shall, in such Warrant, appoint the Time and Place when and where such Court shall be held; and nominate the Officer to preside in such Court, and such Officers to sit as Members thereof as he may think fit, whether such Officers belong to the same Corps with the Delinquent or not; any thing in the said Act contained to the contrary thereof in anywise notwithstanding.

This Clause
affects in part
S. 49. 50. of
No. 485.

Commander-
in-Chief or
President,—
on Applica-
tion to him as
in No. 485,
S. 50,—to is-
sue to Adju-
tant Warrant
for Court
Martial; him-
self fixing
Time and
Place, and no-
minating Pre-
sident and
Officers, se-
lecting them
from same
Corps or not.

III. And whereas the Mode heretofore used, of issuing Warrants for the holding of General Courts Martial for the Trial of Offenders, is entirely done away; it becomes necessary to alter the fifty-third Clause of the said recited Act, which directs the Steps to be taken preparatory to the Trial of an Offender; be it, therefore, enacted and ordained by the Authority aforesaid, That, henceforward, the Captain-General, or Commander-in-Chief for the time being, shall transmit to the Judge Advocate, a true Copy only, of the Charge and of the Names of the Witnesses, which may have been left with the said Captain-General, or Commander-in-Chief; which Copy of such

Alteration of
No. 485, S.
53.

Commander-
in-Chief to
transmit to
Judge Advoca-
cate Copy
only of Charge
and Names of
Witnesses,
authenticated
under his
Hand.

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Charge, and of the Names of the Witnesses thereto, shall be authenticated under the Hand of the said Captain-General, or Commander-in-Chief; and, when so authenticated, shall be considered in all respects, valid and effectual.

If Authenticity of Copy of Charge in S. 53. doubted; Court to direct Judge Advocate to wait on Commander-in-Chief, and enquire Truth of Copy.

IV. And in case any Doubt shall arise, from time to time, touching the Authenticity of the Copy of any such Charge, and of the Names of the Witnesses thereto annexed, as is particularly described in the last mentioned Clause of the said Act; be it enacted and ordained by the Authority aforesaid, That it shall and may be lawful to and for the said Court Martial, before whom the said Charge shall be exhibited, and the said Court is hereby authorized and required, to direct the said Judge Advocate to wait upon the said Captain-General, or Commander-in-Chief, and request him to inform the said Court whether the said Copy is true or not.

Judge Advocate's Fee mentioned in No. 485, S. 55, to be 6*l.* 12*s.* max. 4*l.* min.

V. And whereas the Sum limited, by the fifty-fifth Clause of the said Act, as a Reward to the Judge Advocate, for attending a General Court Martial, may not, at all times, be an adequate Compensation for his Trouble, in officiating at any such last mentioned Court; be it therefore enacted and ordained by the Authority aforesaid, That such Fee shall never be more than six Pounds twelve Shillings, Gold and Silver current Money of this Island, and never less than four Pounds, like Money aforesaid; and that, in all other respects, the said fifty-fifth Clause shall remain unaltered.

Said S. 55. in other respects confirmed.

Amendment of No. 485, S. 57.

Officer, or other Person, failing to attend Court Martial, as Member or Witness; to forfeit 50*l.*; unless good Excuse made to Court.

Warrant to Adjutant to levy Fine, to issue in forty-eight Hours after Rising of Court.

VI. And whereas the Mode pointed out, by the fifty-seventh Clause of the said recited Act, for compelling the Attendance of Members and Witnesses at General Courts Martial, hath been found inadequate to the Purpose for which it was intended; be it enacted and ordained by the Authority aforesaid, That every Officer, and other Person, who shall neglect or refuse to attend as a Member of a General Court Martial, either at the first Sitting, or at any Adjournment thereof, or as a Witness thereon, when duly summoned, shall forfeit and pay, for every Omission in attending, the Sum of fifty Pounds, current Gold and Silver Money of this Island, to be recovered by Warrant, under the Hand and Seal of the President of the said General Court Martial, directed to the Adjutant of the Corps to which the original Delinquent shall belong; which said Warrant shall be issued within forty-eight Hours after the Rising of the Court on the Day, when the Member or Witness, as the Case may be, was required to attend as aforesaid; except a good and sufficient Excuse shall be made to the said Court Martial. And the said President is hereby directed and required, upon Application

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No. 511.

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tion as hereinafter mentioned, to issue his said Warrant, under the Penalty of forfeiting the like Sum of fifty Pounds, to be recovered by Warrant under the Hand and Seal of the Commander-in-Chief of this Island for the time being; who is hereby authorized and required to issue his Warrant for that Purpose, within twenty-four Hours after Application to him has been made as herein-after is directed. And in case the said Penalty shall not be immediately paid, by the Person or Persons liable thereto, on serving the said Warrant, the same shall be levied on the Offender's Goods and Chattels, which shall be sold at public Outcry by the said Adjutant, within six Days after Levy as aforesaid.

President not issuing Warrant in twenty-four Hours on Application of Adjutant as in S. 7. to forfeit 50l.

Adjutant to levy, &c.

VII. And be it enacted and ordained by the Authority aforesaid, That the Adjutant of the said Corps to which the Delinquent shall belong, for whose Trial the said General Court Martial was originally summoned, shall apply to the said President of the said Court for his said Warrant, within the said forty-eight Hours; and in case of the said President's Refusal or Neglect, within the time prescribed for that Purpose, then the said Adjutant shall in like manner apply to the said Commander-in-Chief for his Warrant as aforesaid.

Adjutant to apply, in forty-eight Hours, to President of Court for Warrant; if President refuse, to Commander-in-Chief.

VIII. And be it enacted and ordained by the Authority aforesaid, That the Fines and Forfeitures laid and imposed by two of the foregoing Clauses shall be applied in the same manner, as Fines for Non-appearance on monthly Field-days are, by the said Act, directed to be applied.

Fines under S. 6. 7. to be applied as in No. 485, S. 9.

IX. And be it enacted and ordained by the Authority aforesaid, That in addition to the Mode pointed out by the fifty-second Clause of the said recited Act, for signifying the Approbation, of the Commander-in-Chief of this Island for the time being, of any Sentence of a General Court Martial, the said Commander-in-Chief shall write the Word "APPROVED" at the end of the Proceedings of the said Court, and sign his Name thereto, with the Date when the same shall be so approved.

In addition to Mode in No. 485, S. 52. Commander-in-Chief to signify Approbation of Sentence of General Court Martial by Mode in Clause.

X. And whereas it does not appear sufficiently clear, in what manner the Offences against several of the Rules and Articles of War, are to be tried, whether by a General Court Martial or a Regimental one; be it enacted and ordained by the Authority aforesaid, That all Persons offending against the fourth, thirteenth, eighteenth, twenty-second, twenty-fourth, thirtieth, fifty-third, and fifty-fifth Rules and Articles of War, shall be tried and punished according to the Nature of each Offence by the Sentence of a General Court Martial; and that all Persons offending against the eighth, twenty-

Officer or Private infringing 4th, 13th, 18th, 22d, 24th, 30th, 53d, 55th Articles, of War; to be tried by General Court Martial; Officer infringing 8th, 26th, 27th, 28th, 29th,

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29th, 32d,
34th, 35th,
54th, by Ge-
neral; Pri-
vate, Regi-
mental.

No. 485, ex-
cept as altered
by Act, con-
firmed.

Explanation
of 17th Arti-
cle of War.

No corporal
Punishment
but Imprison-
ment.

Imprisonment
not to exceed
six Months;—

Exception.

twenty-sixth, twenty-seventh, twenty-eighth, twenty-ninth, thirty-second, thirty-fourth, thirty-fifth, and fifty-fourth Rules and Articles of War, shall be tried and punished according to the Nature of each Offence,—if a Commissioned-officer, by the Sentence of a *General Court Martial*; if a Non-commissioned-officer, or Private, by the Sentence of a *Regimental Court Martial*.

XI. And be it enacted and ordained by the Authority aforesaid, That the said recited Act and every Part thereof, except as herein altered and amended, shall continue in force from the Publication hereof.

XII. And whereas the Mode of inflicting the Punishment for the Offence, described by the seventeenth Article of the Rules and Articles of War, is not sufficiently clear, be it therefore enacted and ordained by the Authority aforesaid, That no Officer, or Private-man, shall use any reproachful or provoking Speeches or Gestures to another, upon Pain, if an Officer, of being put in Arrest, if a Private-man imprisoned, and of asking Pardon of the Party offended in the Presence of his Commanding-officer, privately, or at the Head of the Regiment to which the Delinquent shall belong, as a General Court Martial shall by a Sentence direct.

XIII. And be it enacted and ordained by the Authority aforesaid, that no corporal Punishment whatever shall be inflicted on any Offender, except Imprisonment; and that no Person convicted of any Offence shall, by the Sentence of a General Court Martial, be adjudged to be imprisoned for a longer time than the Space of six Months; EXCEPT the Court Martial shall inflict a pecuniary Fine, as well as Imprisonment,—and the Party offending, shall obstinately refuse to pay the Fine, at the end of his Imprisonment, though able to do so, or to submit to such other additional Punishment as the Court may think proper to direct; then, and in such Case, it shall and may be in the Power of such General Court Martial, to order and direct the Offender to be confined until the said Fine shall be fully paid, and the additional Punishment submitted to, although the Term of his original Imprisonment may have expired; which said Recommitment, shall be by Warrant under the Hand and Seal of the Colonel, or other Commanding-officer, of the Corps to which the Delinquent shall belong.

XIV. And whereas by the thirty-seventh Clause of the said Act, it is enacted, that whatever Orders or Regulations shall, from time to time, during the continuance of the said Act, be made by the Commander-in-Chief of this Island for the time being, by and with the

ISLAND OF ANTIGUA.

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No. 511.

A. D. 1796.

the Advice and Consent of a Council of Officers, for making, continuing, and discharging Alarms, and for the assembling and marching the Militia upon, and during such Alarms, shall be as good and effectual as if particularly laid down therein: And whereas many and great Inconveniencies may arise, from assembling together all, or a Majority of the Field-officers and Captains of Militia, and withdrawing them from their respective Regiments, during the Existence of Alarms: And whereas the present Commander-in-Chief and other Persons, have Doubts as to the true Intent and Meaning of the said thirty-seventh Clause; be it therefore enacted and ordained by the Authority aforesaid, That it shall and may be lawful for the said Commander-in-Chief, to issue such Orders and Regulations, without assembling such Council of Officers, whenever it shall appear to him necessary so to do, during the continuance of Alarms; and that all Orders and Regulations, so issued, shall be of equal force with those issued by the Commander-in-Chief by and with the Consent of the said Council of Officers; EXCEPT such Regulations and Orders as relate to the firing Alarms, the Signals to be made on the Appearance of an Enemy, and the Posts to be originally occupied by the respective Corps of Militia, upon the firing of Alarms; which Regulations and Orders shall be made in the way heretofore pursued; any thing in this Act in any way notwithstanding.

Explanation and Amendment of No. 485, S. 37.

Commander-in-Chief may, individually, issue Orders for making and discharging Alarms; marching Militia during Alarms, &c.

Regulations in Exception to be made as heretofore.

XV. And be it enacted and ordained by the Authority aforesaid, That the Treasurer of this Island, or his lawful Deputy, as soon after the Publication of this Act as may be, shall have fifty Copies of the same, [together with the Proceedings of the Council of War to be held by virtue thereof] printed in a small pocket Size, at the public Expense, to be distributed to the Captain-General, and Lieutenant-General of the *Leeward* Islands, the Lieutenant-Governor, and President of the Council of this Island, to the Members of the said Council, and to the Members of the Assembly, to the Field-officers and Adjutants of all the Corps of Militia, and the Judge Advocate of the same, or his Deputy. And the Commanding-officer of each Corps of Militia, is hereby requested to cause the same to be publicly read at the Head of his Corps, on the first monthly Field-day, which shall happen next after he shall receive one of the printed Copies.

Treasurer to get fifty Copies of Act printed; for Distribution as in Clause.

XVI. And be it enacted and ordained by the Authority aforesaid, That the said recited Act, except as the same is herein-before altered and amended, together with this Act, shall be and remain in force from the Passing and Publication of this Act for the Term

In force by No. 574, for one Year from 16th June, 1803, and till the Meeting of the Houses.

of

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Nis. 511, 512.

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of seven Years, and, from thence, to the next Meeting of the Council and Assembly of this Island.

Dated at *Saint Christopher's*, the twenty-second Day of *April*, in the Year of our Lord one thousand seven hundred and ninety-six, and of His Majesty's Reign the thirty-sixth.

JAMES A'THILL, *Speaker*.

Passed the Assembly, this thirtieth Day of *March*, one thousand seven hundred and ninety-six.

Passed the Council, this thirtieth Day of *March*, one thousand seven hundred and ninety-six.

ANTHONY BROWN,
Clerk of the Assembly.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

Passed by the Governor-in-Chief, at *Saint Christopher's*, this twenty-second Day of *April*, one thousand seven hundred and ninety-six.

C. (L. S.) LEIGH.

Published this twenty-eighth Day of *April*, one thousand seven hundred and ninety-six.

ROBERT CLOGSTOUN, *Dep. Pro. Marshal.*

No. 512.
SUPERSEDED
by later Act of
Continuation
of 16th June,
1803, (No.
374.)

An Act for continuing an Act, intituled, An Act supplementary to an Act, intituled, An Act to alter, revise, and amend an Act, intituled, An Act to alter and amend an Act, intituled, An Act for regulating the Militia of this Island; and for the better Regulation of the said Militia, and fixing and appointing the Times when Martial Law shall be

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No. 512.

A. D. 1796.

be in force in this Island, and declaring and establishing Rules and Articles of War, for the better Government of the said Militia at those Times.

WHEREAS an Act, intituled, *An Act supplementary to an Act, intituled, An Act to alter, revive, and amend an Act, intituled, An Act to alter and amend an Act, intituled, An Act for regulating the Militia of this Island; and for the better Regulation of the said Militia; and fixing and appointing the Times when Martial Law shall be in force in this Island, and declaring and establishing Rules and Articles of War, for the better Government of the said Militia at those Times*, dated the sixth Day of November, one thousand seven hundred and ninety-four, will soon expire, unless further continued; We, therefore, Your Majesty's loyal and obedient Subjects, the Governor-in-Chief of all His Majesty's *Leeward Caribbee Islands in America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, do pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That the said Act, intituled, *An Act supplementary to an Act, intituled, An Act to alter, revive, and amend an Act, intituled, An Act to alter and amend an Act, intituled, An Act for regulating the Militia of this Island; and for the better Regulation of the said Militia; and fixing and appointing the Times when Martial Law shall be in force in this Island, and declaring and establishing Rules and Articles of War, for the better Government of the said Militia at those Times*, shall be continued, and remain and continue in force and effect for and during the Term of seven Years, and, from thence, to the next Meeting of the Council and Assembly of this Island.

No. 495.

Dated at *Saint Christopher's*, this seventh Day of May, in the Year of our Lord one thousand seven hundred and ninety-six, and in the thirty-sixth Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, and so forth.

JAMES ATHILL, *Speaker*.

Vol. II.

M m

Passed

36th GEO. III.

Nis. 512—514.

A. D. 1796.

Passed the Assembly, this thirtieth Day of March, one thousand seven hundred and ninety-six.

Passed the Council, this fifth Day of May, one thousand seven hundred and ninety-six.

ANTHONY BROWN,
Clerk of the Assembly.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

Passed by the Governor-in-Chief, this seventh Day of May, one thousand seven hundred and ninety-six.

C. L. S. LEIGH.

ANTIGUA. Published this eleventh Day of May, one thousand seven hundred and ninety-six.

ROBERT CLOGSTOUN, *Dep. Pro. Marshal.*

No. 513.
OBSOLETE.

An Act for raising a Fund to defray the extraordinary Expenses of this Island, occasioned by the present War.

Dated 7th May, 1796.

No. 514.
SUPERSEDED
by later Act
of Revival of
19th Dec.
1799, (No.
540.)

An Act to revive and continue an Act, intituled, An Act supplementary to an Act, intituled, An Act for dividing the Island into Parishes, and Maintenance of Ministers and Poor, and erecting and repairing Churches, made and passed the fourth Day of July, in the Year of our Lord one thousand six hundred and ninety-two.

No. 469.

WHEREAS *An Act supplementary to an Act, intituled, An Act for dividing the Island into Parishes, and Maintenance of Ministers and Poor, and erecting and repairing Churches, dated the thirteenth Day of July,*
one

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No. 514.

A. D. 1796.

one thousand seven hundred and ninety, and since revived and continued by one other Act, dated the second Day of *November*, in the Year of our Lord one thousand seven hundred and ninety-three, and of His Majesty's Reign the thirty-fourth, together with the above mentioned Act for reviving and continuing thereof, expires this Day: And whereas it is expedient, that the said Act should be revived and further continued; We, therefore, Your Majesty's loyal and obedient Subjects, the Commander-in-Chief in and over all Your Majesty's *Leeward Caribbee Islands in America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That the said Act be revived and continued in full force and virtue for the Space of three Years from the Date hereof, and, from thence, to the next Meeting of the Council and Assembly of this Island.

No. 490.

Dated at *Saint Christopher's*, the seventh Day of *November*, in the Year of our Lord one thousand seven hundred and ninety-six, and of His Majesty's Reign the thirty-seventh.

JAMES ATHILL, *Speaker*.

Passed the House of Assembly,
this third Day of *November*,
one thousand seven hundred
and ninety-six.

Passed the Council, this third
Day of *November*, one thou-
sand seven hundred and
ninety-six.

ANTHONY BROWN,
Clerk of the Assembly.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

JOHN L. S. S. THOMAS.

- ANTIGUA. Published this tenth Day of *November*, one thousand seven hundred and ninety-six.

ROBERT CLOGSTOUN, *Dep. Pro. Marshal*.

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Nis. 515, 516.

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No. 515.
EXPIRED.

An Act to ascertain the Number of Acres of Land in this Island, and the Islands adjacent and thereto belonging, and the Quantities of Sugar and Rum annually produced therefrom; and for making a public Record thereof; and for laying a small Tax thereon, and applying the same.

Dated 9th November, 1796.

No. 516.
SUPERSEDED
by later Act of
Continuation
of 16th March,
1804, (No.
578.)

An Act to continue an Act, intituled, An Act for establishing Courts of Common Pleas, Error, King's Bench and Grand Sessions; and for the better regulating and settling due Methods for the Administration of Justice; and also to continue an Act, intituled, An Act supplementary to an Act, intituled, An Act for establishing Courts of Common Pleas, Error, King's Bench and Grand Sessions; and for the better regulating and settling due Methods for the Administration of Justice.

No. 475.

WHEREAS an Act, intituled, *An Act for establishing Courts of Common Pleas, Error, King's Bench and Grand Sessions; and for the better regulating and settling due Methods for the Administration of Justice*, dated the twenty-first Day of January, in the Year of our Lord one thousand seven and ninety-one, and also an Act, intituled, *An Act supplementary to an Act, intituled, An Act for establishing Courts of Common Pleas, Error, King's Bench and Grand Sessions; and for the better regulating and settling due Methods for the Administration of Justice*, dated the twenty-second Day of April, in the Year of our Lord one thousand seven hundred and ninety-six, will shortly expire, unless further continued; We, therefore, Your Majesty's most dutiful, loyal, and obedient Subjects, the Commander-in-Chief for the time being, in and over all Your Majesty's Leeward Caribbee Islands in America, and the Council and Assembly of this Your Majesty's Island *Antigua*, humbly pray Your Most Excellent Majesty,

No. 509.

that

37th Geo. III.

Nis. 516, 517.

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that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That the said two Acts shall continue and remain in full force and effect for the Space of seven Years from the Date hereof, and, from thence, to the next Meeting of the Council and Assembly of this Island.

Dated at *St. Christopher's*, the twenty-second Day of *April*, in the Year of our Lord one thousand seven hundred and ninety-seven, and of His Majesty's Reign the thirty-seventh.

JAMES ATHILL, *Speaker*.

Passed the Assembly, this sixth
Day of *April*, one thousand
seven hundred and ninety-
seven.

ANTHONY BROWN,
Clerk of the Assembly.

Passed the Council, this sixth
Day of *April*, one thousand
seven hundred and ninety-
seven.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

ROBERT L. S. THOMSON.

ANTIGUA. Published this eighth Day of *May*, one thousand seven hundred and ninety-seven.

ROBERT CLOGSTOUN, *Dep. Pro. Marshal*.

An Act to alter and amend an Act, intituled, An Act for No. 517.
making, cleaning, and repairing common Ponds;
and making and mending Bridges on the high Roads
of this Island.

WHEREAS by the seventh Clause or Section of an Act of PREAMBLE,
this Island, dated, at the Town of *Saint John*, the twenty-eighth
Day of *June*, one thousand seven hundred and two, intituled, An No. 129.
Act for making, cleaning, and repairing common Ponds; and making and
mending

37th GEO. III.

No. 517.

A. D. 1797.

amending Bridges on the high Roads of this Island, it is enacted, that Persons duly summoned, and refusing to send Slaves to work on the public Ponds, shall, for such Offence, be committed to the Common Jail without Bail or Mainprize, until the said Summons be duly complied with: And it hath been found by Experience, that the said Punishment may be, in some Cases, too rigorous, and in other Cases insufficient to enforce a due Performance of the Law; We, therefore, Your Majesty's loyal and obedient Subjects, the Commander-in-Chief of Your Majesty's *Leeward Caribbee Islands in America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, do pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That the said seventh Clause or Section of the said Act, shall be, and the same is hereby repealed and made void.

Act.
Clause 7. of
No. 129, re-
pealed.

Persons refus-
ing to send
Slaves to work
on Ponds as
directed by
No. 129, to
incur same
Penalty as No.
180, S. 22.
provides a-
gainst Defaul-
ters in send-
ing Slaves to
Highways.

II. And be it also enacted and ordained by the Authority aforesaid, That if any Person or Persons shall refuse or neglect to send his, her, or their Slaves, to work upon the public Ponds of this Island, in the manner directed in and by the said Act, after due Notice given pursuant to the Directions of the said Act; such Person or Persons shall be liable to, and incur the same Penalty and Forfeitures as are provided and inflicted, against Persons neglecting or refusing to send their Proportion of Slaves to work upon the Highways of this Island, in and by the twenty-second Clause of an Act of this Island *Antigua*, dated in the Town of *Saint John*, the eleventh Day of *August*, one thousand seven hundred and twenty-four, intituled, *An Act for cleaning and amending the Highways of this Island; and to repeal an Act for cleaning and enlarging common Paths and Highways in this Island*: such Penalties or Forfeitures to be recovered and levied, in the Manner and Form directed in and by the said Clause or Section.

Instead of in-
sufficient Al-
lowance in
No. 129, S.
14.; Person
sending
Slaves, under
that Act, to
Ponds, to re-
ceive from
Treasury, 2s.
per Day each.

III. And whereas the Sum of one Shilling, directed to be paid or allowed in and by the fourteenth Clause or Section of the first mentioned Act, for the daily Labour of each Slave employed upon the public Ponds, is now become an insufficient Allowance or Compensation for the Labour of Slaves; be it, therefore, enacted and ordained by the Authority aforesaid, That, from and after the Publication of this Act, every Person who shall send any Slave or Slaves, by virtue of the said first mentioned Act, either to dig new, or cleanse old Ponds, shall receive, for the daily Work or Labour of each such Slave, the Sum of two Shillings, current Money, out of the Public Treasury

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Nis. 517, 518.

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Treasury of this Island; the Amount or Value of such Labour, being certified in the manner directed in and by the said Act.

Dated at *Saint Christopher's*, this twenty-second Day of *April*, in the Year of our Lord one thousand seven hundred and ninety-seven, and of His Majesty's Reign the thirty-seventh.

JAMES ATHILL, *Speaker*.

Passed the Assembly, this second Day of *February*, one thousand seven hundred and ninety-seven.

Passed the Council, this sixth Day of *April*, one thousand seven hundred and ninety-seven.

ANTHONY BROWN,
Clerk of the Assembly.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

ROBERT L.S. THOMSON.

Published this eighth Day of *May*, one thousand seven hundred and ninety-seven.

ROBERT CLOGSTOUN, *Dep. Pro. Marshal.*

An Act to alter and amend an Act, intituled, An Act for No. 518.
reviving, amending, and further continuing an Act, ALTERED by
intituled, An Act for laying a Duty of Powder on No. 523.
all Vessels trading to and from this Island, for the
Protection of the Trade of the same; and for
confirming certain Proceedings by the Recom-
mendation of a joint Resolution of the Council and
Assembly of this Island, relative to the Commuta-
tion-in-part of the Powder Duty, not provided for
by the said Act; and for appropriating the Monies
arising

No. 566, which
revives origi-
nal Act, No.
348, suffers
this, with its
subsidiary Act
No. 523, also
left unnoticed,
to expire.

See Nos. 348,
566, 576, the
Acts in force.

arising from the said Commutation, now in the Hands of the Collector of the Powder, and any Money which may hereafter come into his Hands.

No. 500.

*Act is expired.
See No. 566.*

WHEREAS the Act, intituled, *An Act for reviving, amending, and further continuing an Act, intituled, An Act for laying a Duty of Powder on all Vessels trading to and from this Island, for the Protection of the Trade of the same; and indemnifying the Collector of the said Duty*, dated the thirtieth Day of January, in the Year of our Lord one thousand seven hundred and ninety-five, will expire on the thirtieth Day of January ensuing the Date hereof, if the same shall not be sooner continued or enlarged: And whereas the said Act is found highly beneficial to the Safety and Welfare of this Island; We, therefore, Your Majesty's most dutiful and loyal Subjects, the Commander-in-Chief for the time being of Your Majesty's *Leeward Caribbee Islands in America*, and the Council and Assembly of this Your Majesty's Island of *Antigua*, do humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That the aforesaid Act, together with the several Amendments, Alterations, and Clauses herein-after contained, shall and may continue and be in full force, from the Day of the Date hereof, and during the Continuance of the present War.

Commuta-
tion.

II. And whereas it appears, that during the present State of Warfare, it will be attended with great Difficulty and Risks, for Vessels, the Property of the Subjects of the *American States* inclined and permitted to trade to this Island, to import hither or carry any Quantity of Gunpowder in their respective Vessels, sufficient for Payment of their Duties, the same rendering such Vessels often liable to Capture or Detention, if met with on their Voyages by Enemies at Sea; be it therefore enacted and ordained by the Authority aforesaid, That from henceforth it shall and may be lawful for the Owners or Masters of any Vessels, belonging to any of the Ports or Places within any of the *United States of America*,—and arriving at any of the Ports within this Island to trade,—to commute or pay, in ready Money, at the rate of four Shillings and six Pence, Currency, for every such Pound Weight of Powder, to the Payment of which every such Vessel may be liable by virtue of the said Act, hereby continued or meant or intended so to be; any thing in the said Act contained, to the contrary thereof notwithstanding.

III.

37th GEO. III.

No. 518.

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III. And whereas the Council and Assembly of this Island,—being well informed, at their Meeting, on the ninth Day of *July*, one thousand seven hundred and ninety-five, of the very great Difficulty that attended the strict Exaction of the aforesaid Duty in Kind, in respect to the Vessels belonging to the said *United States of America*, from the Causes herein-before mentioned,—and well assured that if some immediate Relaxation of the same, in the Mode of Collection, was not adopted, a great Loss and Injury was likely to follow the Commerce and Subsistence of this Island, by the Prevention of such Vessels coming hither,—did, therefore, by their Resolves, jointly, on the aforesaid Day, recommend it to the Honourable *Edward Byam*, the President of the Council, and then temporary Commander-in-Chief of this Island, to issue his Order to the Collector of the aforesaid Duty, to enter into a *Commutation for ready Money*, for all such Duties of Powder as the aforesaid Vessels, belonging to the said States, arriving in the Ports of this Island, should be liable to pay under the aforesaid Act, engaging to give their Assent to any Act or Bill that should be hereafter introduced for ratifying and confirming the same: And whereas the said Order was accordingly issued, and a Commutation in the following manner was and is still, in obedience thereto, adopted by *John Rose*, Esquire, the Collector of the said Duty, in respect to all Vessels belonging to the said *American States*, which have arrived in any of the Ports of this Island, since that time, that is to say, Three Shillings, Gold and Silver current Money, for every Pound of Powder which each Vessel was subject to pay by virtue of the aforesaid Act; be it therefore enacted and ordained by the Authority aforesaid, That all and every such Resolves or Resolve, are and is hereby confirmed, and established; and all and every such Order so issued in pursuance thereof, and all and every Act, Matter, and Thing done and transacted in obedience and pursuance thereto, shall be, and they are hereby declared valid and effectual, from the said ninth Day of *July*, one thousand seven hundred and ninety-five, to the Day of the Date hereof, to all Intents and Purposes whatsoever; any thing to the contrary thereof, in the said herein recited Act, notwithstanding.

IV. And whereas the Collector of the Powder Duty, in pursuance of the herein-before recited Resolutions of the Council and Assembly, hath received divers Sums of Money, in commutation for Powder; be it therefore enacted by the Authority aforesaid, That immediately after the Publication of this Act, the Treasurer shall

Temporary
Commuta-
tion, confirm-
ed.

Collector to
account.

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call-upon the Collector of the Powder Duty, to pay unto him all Sums of Money received by him, in commutation for Powder, from the said ninth Day of *July*, one thousand seven hundred and ninety-five, to the present Time; which the said Collector is hereby authorized and directed to pay, without any further Order being for that Purpose necessary.

Treasurer not
accounting li-
able to Suit.

V. And be it also enacted by the Authority aforesaid, That if, upon being called-upon as aforesaid, the Collector of the Powder Duty shall refuse or neglect to pay whatever Monies may then be in his Hands, the Sum or Sums of Money received by the said Collector as aforesaid, shall and may be recovered, with Costs of Suit, by an Action of Debt,—or upon the Case,—for so much Money had and received, or by Bill in Equity as the Case may require, to the Use of His Majesty, to be commenced and prosecuted in the Court of *Common Pleas* or Court of *Chancery*, held for this Island *Antigua*; upon which Action or Suit, the like Proceedings shall be had as in other Actions or Suits, commenced and prosecuted in the said Court; and the Monies recovered in such Action or Suit shall be paid to the Treasurer of this Island, for the time being, to be applied and disposed of in such manner and form as may be hereafter directed.

Collector to
account, du-
ring Act, eve-
ry three
Months, to
Treasurer.

VI. And be it enacted by the Authority aforesaid, That at the Expiration of three Months after the Publication of this Act,—and, in like manner, for every three, during the Continuance of this Act,—the Treasurer is hereby directed, to demand and receive, from the Collector of the Powder Duty, all Sums of Money which may have come into his Hands, from the Commutation aforesaid, within such Period of three Months; and in case of Refusal or Neglect to pay the same forthwith, the same Remedy shall be made use of, as is directed for the Non-payment of Monies, in the Hands of the Collector of the Powder Duty, at the Time of the Publication of this Act; and the Treasurer's Receipt, for any Monies paid to him in pursuance of the Directions contained in this Act, shall be deemed a good and sufficient Voucher in the Settlement of the Collector's Account.

Collector to
petition, year-
ly, during Act,
to have his
Accounts set-
tled.

VII. And be it enacted by the Authority aforesaid, That at the first Meeting of the Legislature, in every Year, during the Continuance of this Act, the Collector of the Powder Duty shall apply, himself, by Petition, to the Council and Assembly, setting-forth that he is ready to settle his Accounts, and praying that a Committee might

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37th Geo. III.

Nis. 518, 519.

A. D. 1797.

might be appointed to inspect, examine, and settle them; which said Committee shall forthwith be appointed, with Directions to make a Report, annexed to a Statement of the Accounts, as speedily as possible.

VIII. And be it also enacted by the Authority aforesaid, That all Sums of Money received by the Treasurer, in pursuance of the Directions of this Act, shall be applied, by him, to the Payment of the general Expenses of the Country.

Treasurer to
apply Revenue
from Act to
Public Uses.

Dated at *Saint Christopher's*, the twenty-seventh Day of *May*, in the Year of our Lord one thousand seven hundred and ninety-seven, and of His Majesty's Reign the thirty-seventh.

JAMES ATHILL, *Speaker*.

Passed the Assembly, this twenty-fifth Day of *May*, one thousand seven hundred and ninety-seven.

Passed the Council, this twenty-fifth Day of *May*, one thousand seven hundred and ninety-seven.

ANTHONY BROWN,
Clerk of the Assembly.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

ROBERT (L. S.) THOMSON.

Published, this thirtieth Day of *May*, one thousand seven hundred and ninety-seven.

ROBERT CLOGSTOUN, *Dep. Pro. Marshal.*

An Act for raising a Fund, to defray the extraordinary Expenses of this Island, occasioned by the present War, and not yet provided for.

No. 519.
OBSOLETE.

Dated 27th *May*, 1797.

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No. 520.

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No. 520. *An Act for confirming, establishing, and executing a certain Contract or Agreement, made by a Committee of the Council and Assembly of this Island Antigua, with John Pew, of the said Island of Antigua, Carpenter, for repairing certain Public Buildings in the said Island, and keeping the said Buildings in repair for the Term of ten Years, and for indemnifying the said Committee.*

PREAMBLE.

Hon. T. N. Kerby, of the Council, and P. Hicks and H. B. Lightfoot, Esquires, of the Assembly,—had, as the Committee, with the Sanction of the Legislature, on 1st. Jan. 1795, contracted with John Pew, Carpenter,—that he should repair, for ten Years from said Date, the Public Buildings particularised on the Terms specified. Pew had on 3d July, 1795, with two Sureties, signed Bond to perform Contract.

WHEREAS the honourable Thomas Norbury Kerby, one of the Members of Your Majesty's Council, and Philip Hicks and Henry Benskin Lightfoot, Esquires, Members of the House of Assembly, for Your Majesty's Island of Antigua, duly constituted and appointed a Committee of the said Council and Assembly, did, upon the first Day of January, in the Year of our Lord one thousand seven hundred and ninety-five, by and with the Approbation and Direction of the said Council and Assembly, enter into a certain Contract or Agreement with John Pew of the said Island, Carpenter,—whereby the said John Pew, for himself, his Heirs, Executors, and Administrators, did contract and agree, to and with the said Thomas Norbury Kerby, Philip Hicks, and Henry Benskin Lightfoot, and the Survivors, and Survivor of them, and the Executors and Administrators of the Survivor of them, well and sufficiently to repair, amend, and to put into good and substantial tenantable Condition, at his or their proper Costs and Charges, all and singular the following Buildings and Tenements belonging to the Public of Antigua, that is to say, All those Buildings and Tenements, commonly called, or known by the Name of the *New Barracks*, with the Hospital, Kitchen, Ovens, Cisterns and Spouts, Necessary-houses, Stables, Guard-houses, and Gates thereto belonging; and also all those Buildings and Tenements, commonly called or known by the Name of *Rat Island Barracks*, with all and singular the Kitchens, Guard-houses, Gates, and other Out-houses thereto belonging; and also all that Public Building or Tenement now used as the Common-jail, together with the Dungeons, Cisterns and Spouts, Kitchen, Necessary-houses, Gates, and all other Out-houses or Offices, thereto belonging; and also all that Public Building or Tenement, commonly used or occupied as a Guard-house, with the Cistern and Necessary-house thereto belonging; and also that Public Building commonly called or known by the Name of the Court-house, together with the Offices, paved Yard, Gates and Railing thereto belonging: and also from time to time, and as often as Occasion should require, well and

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and sufficiently to amend, repair, and support all and singular the said Buildings, Tenements and Premises; (except as to such Panes of Glass as might, from time to time, be broken or damaged, in either of the Offices of the Secretary or Marshal of this Island;) and also to keep clean and in good repair, the said Public Building called the Court-house, (the said *John Pew*, his Executors and Administrators having the Care and Custody thereof,) for and during and until the full End and Term of ten Years, to begin and commence from the Day of the Date of the said Contract, and from thence next ensuing and fully to be complete and ended; and in Consideration thereof, the said *Thomas Norbury Kerby*, *Philip Hicks*, and *Henry Benskin Lightfoot*, for themselves, their Heirs, Executors, and Administrators, did also contract, promise, and agree, to and with the said *John Pew*, his Executors, Administrators, and Assigns, that the said *John Pew*, his Executors, Administrators and Assigns, well and truly observing, performing, and fulfilling all and every the Matters and Things therein-before contracted, promised and agreed-upon by or on his and their Part and Behalf, should be paid and receive, by and out of the Public Treasury of the said Island of *Antigua*, the Sum of seventy-six Pounds, eight Shillings, and nine Pence, current Money; and also the clear yearly Sum of nine hundred and fifty Pounds, current Money of the said Island of *Antigua*, by even half-yearly Payments,—the first Payment thereof to begin and be made upon the first Day of *July* then next ensuing, or as soon afterwards as the said *John Pew*, his Executors, or Administrators, should have well and sufficiently repaired and amended all the several Buildings, Tenements, and Premises therein-before mentioned, according to the true Intent and Meaning of the said Contract. And the said *John Pew*, together with *Thomas Scotland*, and *Robert Clogstoun*, of the said Island of *Antigua*, Esquires, did, upon the third Day of *July*, in the Year of our Lord one thousand seven hundred and ninety-five, also enter into a Bond or Obligation to the said *Thomas Norbury Kerby*, *Philip Hicks*, and *Henry Benskin Lightfoot*, in the penal Sum of three thousand Pounds, current Gold and Silver Money of the said Island of *Antigua*, conditioned for the Performance of the said Contract; We, therefore, Your Majesty's most loyal and dutiful Subjects, the Commander-in-Chief of Your Majesty's *Leeward Caribbee Islands in America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, do pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid,

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ACT.
Said Contract
confirmed.

said, That the said Contract and Agreement be, and the same is hereby approved, ratified, and confirmed, to be effectual and binding upon the Public of this Island *Antigua*, to all Intents and Purposes whatsoever.

Treasurer to
pay said *Pew*
Sum specified
in Clause.

II. And whereas an Act, for establishing and confirming the said Contract, passed the House of Assembly of this Island *Antigua*, on the sixth Day of *August*, in the Year of our Lord one thousand seven hundred and ninety-five; but, the said Assembly having been dissolved before the said Act passed the Council, the said *John Pew* hath not, yet, received or been paid, the said several annual Sums of Money, mentioned and provided-for in and by the said Contract, although the said *John Pew* hath, on his Part, performed and fulfilled the same; be it therefore enacted and ordained by the Authority aforesaid, That the Treasurer of this Island shall be authorized, and he is hereby authorized and directed, to pay unto the said *John Pew* the said Sum of seventy-six Pounds, seven Shillings, and nine Pence; and also all such other Sum or Sums of Money as shall be due to him at the Time of the Date hereof, under or by virtue of the said Contract; for which Payment or Payments, no further Order or Direction shall be necessary; and the Receipt or Receipts of the said *John Pew*, his Executors, Administrators, and Assigns, for the Monies so paid to or received by him or them, shall be a sufficient Voucher and Discharge to the said Treasurer, in passing his Public Accounts.

Treasurer to
pay *Pew* annu-
al Sum of 950/
at times spe-
cified in Con-
tract, unless
prevented by
Order of
Commander-
in-Chief, with
Advice of Le-
gislation.

III. And be it also enacted and ordained by the Authority aforesaid, That the Treasurer of this Island *Antigua*, or his lawful Deputy for the time being, shall, from time to time, as Occasion shall require, by, from, or out of any Monies paid into, or being in the Treasury of this Island *Antigua*, pay, or cause to be paid, unto the said *John Pew*, his Executors, Administrators, and Assigns, the said yearly Sum of nine hundred and fifty Pounds, current Money of this Island *Antigua*, at such Days and Times, and in such manner and form, as is herein-before mentioned and expressed: for which Payment or Payments, no further Order or Direction shall be necessary: and the Receipt or Receipts of the said *John Pew*, his Executors, Administrators and Assigns, for the Monies so paid to or received by him or them, shall be deemed and taken sufficient Vouchers and Discharges for the said Treasurer, or his Deputy, in passing his Public Accounts:—Provided such Payment or Payments, shall not be staid or prevented, by some Order or Orders from the Commander-

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Commander-in-Chief of this Island *Antigua*, by and with the Advice and Consent of the Council and Assembly.

IV. And be it also enacted and ordained by the Authority aforesaid, That the said Contract or Agreement, so made and entered into, between the said *Thomas Norbury Kerby*, *Henry Benskin Lightfoot*, and *Philip Hicks*, and the said *John Pew*, or one Part thereof, and also the said Bond or Obligation, entered into by the said *John Pew*, *Thomas Scotland*, and *Robert Clogstoun*, shall, as soon as may be, or within the Space of one Calendar Month next after the Publication of this Act, be acknowledged, by the said Parties thereto, before the Register of Deeds for this Island, or his lawful Deputy for the time being; and be lodged and remain in the Secretary's Office of this Island *Antigua*; and shall also be recorded in the Offices of the Secretary and Register of this Island: and in case of any Loss or Damage happening to the said Contract or Agreement, or to the said Bond or Obligation, a true Copy of the Registry, Enrolment, or Record of such Contract or Agreement, or of the said Bond or Obligation, duly attested by the Register or Secretary, or either of their lawful Deputies, shall be of equal force, effect and validity, in any Court of Law or Equity in this Island, as if the said original Contract or Agreement, or the said original Bond or Obligation had been produced and proved.

Contract and Bond to be acknowledged by Parties, registered and recorded.

V. And be it also enacted and ordained by the Authority aforesaid, That it shall and may be lawful to and for the Treasurer of this Island *Antigua*, or his lawful Deputy from time to time, by the Direction of the Commander-in-Chief and the Council and Assembly of this Island *Antigua*, to commence, and prosecute to Judgment and Recovery, in the Name of the said *Thomas Norbury Kerby*, *Philip Hicks*, and *Henry Benskin Lightfoot*, or the Survivor or Survivors of them, or the Executors or Administrators of such Survivor, any Action or Suit against the said *John Pew*, and the said *Thomas Scotland* and *Robert Clogstoun*, or any or either of them, or the Heirs, Executors, or Administrators of any or either of them, for the Non-performance or Breach of the said Contract or Agreement, or any Part thereof: and all Monies recovered, under or by virtue of any Judgment or Judgments obtained in any such Action or Suit, shall be paid into the Public Treasury of this Island, for the Public Use and Benefit.

Treasurer in Names of Committee, may sue *Pew* and Sureties on Bond, in case of Breach.

Monies recovered, to Public Use.

VI. And be it also enacted and ordained by the Authority aforesaid, That the said *Thomas Norbury Kerby*, *Philip Hicks*, and *Henry Benskin Lightfoot*, and each and every of them, and their and each and

Indemnity to Committee.

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and every of their Heirs, Executors and Administrators, shall be, from time to time, and at all times, well and sufficiently saved and kept harmless and indemnified, by from and out of the Public Treasury of this Island *Antigua*, of from and against all and all manner of Actions and Suits, Losses, Costs, Charges, Damages, and Expenses whatsoever, which they, or any, or either of them, may bear, pay, or sustain, or to be liable to bear, pay, or sustain, for or by reason of the said Contract or Agreement, or any other Matter or Thing relating thereto.

Dated at *Saint Christopher's*, the twenty-eighth Day of *June*, in the Year of our Lord one thousand seven hundred and ninety-seven, and of His Majesty's Reign the thirty-seventh.

JAMES ATHILL, *Speaker*.

Passed the Assembly, this twenty-fifth Day of *May*, one thousand seven hundred and ninety-seven.

ANTHONY BROWN,
Clerk of the Assembly.

Passed the Council, this eighth Day of *June*, one thousand seven hundred and ninety-seven.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

ROBERT (L. S.) THOMSON.

Published this first Day of *July*, one thousand seven hundred and ninety-seven.

JOHN ROBERTS, *Dep. Pro. Marshal.*

No. 521. *An Act for increasing and regulating the Fees of sworn Pilots.*

REVIVED and
AMENDED by
Act of 7th
May, 1804.
(No. 579.)

No. 384.
Nis. 413, 443.

WHEREAS an Act for regulating the Fees of sworn Pilots, dated at *Antigua*, the eleventh Day of *February*, in the Year of our Lord one thousand seven hundred and seventy-eight, and since revived and continued by two subsequent Acts, dated the twenty-eighth Day of *March*, one thousand seven hundred and eighty-three, and the sixteenth Day of *February*, one thousand seven hundred and eighty-

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eighty-seven, expired some time since: And whereas the sworn Pilots of this Island, in a Petition presented to the Council and Assembly, have represented that, from the excessive high Prices of Provisions and every Article, whatsoever, necessary for fitting out and navigating Pilot Boats about this Island, and the very great Risk from small Privateers, which have been, frequently, seen off the Bays and Creeks of this Island, they cannot possibly make it worth their while, at the Rate of Pilotage established by the above-mentioned Acts, to keep Boats necessary for that Purpose: And whereas it is thought necessary, that the said Rate of Pilotage should be altered and encreased; We, therefore, Your Majesty's dutiful, loyal, and obedient Subjects, the Commander-in-Chief of Your Majesty's *Leeward Caribbee Islands in America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That the Master, or Commander, of any trading Vessel, that shall come to an Anchor in *Saint John's Road or Harbour*, that shall draw eight Feet Water, shall pay, for Pilotage, the Sum of two Pounds, one Shilling, and three Pence, current Gold and Silver Money:—And in case such Vessel shall draw more than eight Feet Water, and not more than twelve Feet, shall pay,—over and above the said Sum of two Pounds, one Shilling, and three Pence, current Gold and Silver Money,—at the rate of eight Shillings and six Pence, like Money, by the Foot, for every Foot of Water such Vessel shall draw over and above eight Feet:—And in case such Vessel shall draw more than twelve Feet, shall pay, over and above the said Sums, at the rate of ten Shillings and six Pence, like Money, by the Foot, for every Foot of Water such Vessel shall draw, over and above twelve Feet.

Rates for Pi-
LOTAGE, in-
to *St. John's*
Harbour, sim-
ply.

II. And whereas the Safety of Vessels trading to this Island after making the Land, and the Expedition of getting into Port, in a great measure, depend on the Master getting a Pilot as soon as possible; be it therefore enacted by the Authority aforesaid, That the Master, or Commander, of any such Vessel that shall come to an Anchor at *Saint John's*, shall pay, in addition to the said Rate of Pilotage already mentioned, agreeable to the following Regulation, *videlicet*, For Vessels that come down the South Side, the Sum of one Pound, four Shillings, and nine Pence, like Money, if the Pilot offers his Services before the Vessel passes the *Old Road Fort*: the Sum of two Pounds, one Shilling, and three Pence, if the Pilot

Rates for Pi-
LOTAGE, in-
to *St. John's*
Harbour, from
Points on the
Coast.

VOL. II.

O o

offers

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No. 521.

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First sworn licensed Pilot offering, whether accepted or not, to be paid.

Proviso.

Payment recoverable before Justice.

Rates of PILOTAGE into Parham Harbour, simply ;

offers his Services before the Vessel passes *English Harbour* : the Sum of sixty-six Shillings, like Money, if the Pilot offers his Services before the Vessel shuts-in *Green Island*, with the East End of this Island :—For Vessels that shall come down the NORTH Side, the Sum of sixteen Shillings and six Pence, like Money, if the Pilot offers his Services before the Vessel brings the Mill, on the Plantation called *Boon's*, to bear on a Line with the Dwelling-house on said Plantation : the Sum of one Pound thirteen Shillings, like Money, if the Pilot offers his Services before the Vessel passes *Prickly Pear Island*, and without the Reef : the Sum of two Pounds, nine Shillings, and six Pence, like Money, if the Pilot offers his Services before the Vessel passes *Bird Island* : the Sum of three Pounds, six Shillings, like Money ; if the Pilot offers his Services before the Vessel brings *Green Island* to bear South. And the sworn licensed Pilot, who shall first offer himself, as Pilot, to take Charge of such Vessel in the Offing, as she is coming into the said Port, shall be entitled to demand and receive the same, whether his Services be accepted or not :—Provided always, that such Pilot shall offer his Services before any such Vessel or Vessels, coming from the NORTHWARD, get within *Boon's Point*, and past the *North Reef* and *Diamond Shoals* ; and, coming from the SOUTHWARD, before they pass the *Valley-Church Bay*, and get within the *Nine Feet Bank* :—And upon refusal of Payment, and Complaint made, upon Oath, by such Pilot, to a Magistrate, of such Refusal, after such Tender of his Service within the limited Distances as aforesaid, such Magistrate shall forthwith issue his Warrant to bring such Master, or Commander, before him ; and, on his being convicted of such Refusal of Payment after such Tender made, it shall and may be lawful for such Magistrate, to commit such Master, or Commander, to the Common-jail of this Island, there to remain, without Bail or Mainprize, until such Fee and the Charges of the Justice's Warrant, and all other Charges and Expenses attending such Commitment, be fully paid and discharged ; any Law, Usage, or Custom to the contrary notwithstanding. [No. 579, S. 2. *obliges Masters of Ships under certain Circumstances, to employ the Pilot who brought them in to carry them out of Saint John's Harbour.*]

III. And whereas the Difficulty of navigating Vessels into the Port of *Parham*, is much greater than into the Harbour of *Saint John* ; be it therefore enacted by the Authority aforesaid, that the Masters or Commanders of all trading Vessels, that shall come to an Anchor in the said Port of *Parham*, that shall draw eight Feet Water,

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Water, shall pay for Pilotage, the Sum of two Pounds, nine Shillings, and six Pence, like Money: and in case such Vessel shall draw more than eight Feet Water, and not more than twelve Feet, shall pay,—over and above the said Sum of two Pounds, nine Shillings, and six pence, like Money,—at the rate of nine Shillings and six Pence like Money, by the Foot, for every Foot of Water such Vessel shall draw over and above eight Feet Water: and in case such Vessel shall draw more than twelve Feet Water, shall pay, over and above the said Sums, at the rate of eleven Shillings and six Pence, like Money, by the Foot, for every Foot of Water such Vessel shall draw more than twelve Feet:—And in addition thereto, the Sum of three Pounds, six Shillings, like Money, if the Pilot offers his Services before the Vessel brings *Green Island* to bear South. And the sworn licensed Pilot, who shall first offer himself as a Pilot, to take Charge of such Vessel in the Offing, as she is coming into the said Port of *Parham*, shall be entitled to demand and receive the same, whether his Services be accepted of, or not:—Provided always, that such Pilot shall offer his Service before any such Vessel or Vessels, (if bound to the said Port) shall pass the East End of *Great Bird Island*:—and upon refusal of Payment after such Tender of Service, such Pilot shall recover his Pilotage in the same manner as the Pilotage for the Harbour of *Saint John* is herein-before directed to be recovered.

into *Parham*
Harbour,
from Point sta-
ted.

First Pilot of-
fering, to be
paid.

Proviso.

Payment reco-
verable as in
S. 2.

IV. And be it enacted by the Authority aforesaid, That every Vessel leaving any Port in this Island shall, if the Master employs any Person to carry her out, be obliged to employ a Branch Pilot, and no other; who shall receive for all Vessels drawing eight Feet Water, or under, and not exceeding ten Feet, the Sum of two Pounds, nine Shillings, and six Pence: for all Vessels exceeding ten Feet, and not drawing more than twelve Feet, the Sum of three Pounds and six Shillings: and for all Vessels drawing more than twelve Feet, the Sum of four Pounds, two Shillings and six Pence, like Money. [See at End of S. 2. Notice of subsequent Regulation on Pilotage-out, which relates to the Harbour of *Saint John* only.]

If Master em-
ploy Person to
carry-out Ves-
sel; to employ
Branch Pilot.
Rates of Pi-
LOTAGE out.

V. And be it enacted by the Authority aforesaid, That any Person, not being a Branch Pilot, who shall presume to carry any Vessel out of any of the Ports of this Island, for any Fee or Reward, shall forfeit the Sum of ten Pounds, for each Offence; to be recovered, by Complaint, made before two Magistrates, and applied one Half to the Informer, and the Remainder to be paid into the Public Treasury of this Island.

Person, not a
Branch Pilot,
carrying out
Vessel for Re-
ward; to for-
feit 10/.

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Branch Pilot refusing to pilot-in, or passing Vessel with Signal without offering to pilot her in; or refusing to pilot-out Vessel; to forfeit 5*l.* min. 50*l.* max.

Branch Pilot not painting Stern of his Pilot Boat as in Clause, to forfeit 10*l.*

Other Person piloting-in, not to be paid; if Branch Pilot tendered Service before Vessel passed Limits in Proviso of S. 2.

Branch Pilot convicted, before President and two Members of Council, of habitual Drunkenness, gross Negligence, or want of Skill; incapacitated.

Acting without fresh Branch, or Reversal of Conviction, to forfeit 100*l.*

VI. And be it enacted by the Authority aforesaid, That any Branch Pilot who refuses to pilot-in any Vessel, or who neglects his Duty, by passing a Vessel, coming to this Island with a Signal flying, without offering his Services, or who refuses to pilot-out any Vessel, whether a trading Vessel or any other, shall, upon Conviction before any two of His Majesty's Justices of the Peace, be fined in any Sum not less than five, nor exceeding fifty Pounds; and shall be imprisoned in the Common-Jail of this Island until the same be fully paid.

VII. And be it enacted by the Authority aforesaid, That every Branch Pilot shall have the Name of his Pilot Boat, on the Stern thereof, in large printed Letters, with the Words "*Pilot Boat*" immediately following, in printed Letters of equal Size; and any one who shall neglect to have the Name of his Pilot Boat, as herein is directed, painted on the Stern thereof, shall, upon Conviction before any two of His Majesty's Justices of the Peace, be fined in the Sum of ten Pounds, and confined in the Common-Jail of this Island until the same be fully paid.

VIII. And be it enacted by the Authority aforesaid, That any Person who is not a Branch Pilot, shall not be entitled to receive the Pilotage of any Vessel he may bring into Port, if any Branch Pilot offered his Services to her without the first Limits, either North or South, mentioned in the foregoing Part of this Act, though should the Services of such Branch Pilot be refused, he shall be entitled to receive the Pilotage of the said Vessel.

IX. And be it also enacted and ordained by the Authority aforesaid, That if any Branch Pilot shall be convicted, upon the Oath of two or more credible Witnesses,—before the President of His Majesty's Council of this Island for the time being, and any two of His Majesty's Council for this Island,—of habitual, or frequent Drunkenness, or gross Negligence, or want of due Skill in his Occupation; such Person or Persons, so convicted, shall from thenceforth be incapable of acting as a Pilot, until he shall obtain a new Branch or License: And if any Person or Persons, so convicted as aforesaid, shall at any time, before obtaining a new Branch or License, or the quashing or reversing such Conviction as herein-after mentioned, act as a Pilot or Pilots, such Person or Persons shall, for every such Offence, forfeit and pay the Sum of one hundred Pounds; to be recovered by Action, or Information, in any Court of Record in this Island, with treble Costs of Suit; such Penalty or Forfeiture to be to the use of the Person or Persons, who shall inform or sue for the same:

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same: Provided always, that any Person so convicted as aforesaid may appeal, from such Conviction, to the next Court of *King's Bench and Grand Sessions of the Peace* of this Island; who shall either affirm, or quash such Conviction, as shall seem just. *Proviso.*

X. And be it enacted by the Authority aforesaid, That this Act shall be and continue in force for one Year, from the Date of the Publication hereof, and, from thence, to the next Meeting of the Council and Assembly of this Island. *In force by No. 579, S. 3. for one Year from 7th May, 1804, and till the Meeting of the Houses,*

Dated at *Saint Christopher's*, the twenty-eighth Day of *December*, in the Year of our Lord one thousand seven hundred and ninety-seven, and in the thirty-eighth Year of His Majesty's Reign.

JOHN BURKE, *Speaker*, pro tempore.

Passed the Assembly, this twenty-fourth Day of *August*, one thousand seven hundred and ninety-seven. } Passed the Council, the sixteenth Day of *November*, one thousand seven hundred and ninety-seven.

JOHN HILL,
Clerk of the Assembly.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

ROBERT L. S. THOMSON.

Published this tenth Day of *January*, one thousand seven hundred and ninety-eight.

An Act to repeal the fortieth and forty-first Clauses of an No 522.
Act of this Island, intituled, An Act for attainting several Slaves now run-away from their Masters' Services; and for the better Government of Slaves, dated the ninth Day of December, in the Year of our Lord one thousand seven hundred and twenty-three; and to make Persons charged with and found guilty of the

the Murder of Slaves, liable and subject to the same Pains and Penalties, as are inflicted for the Murder of Free Persons.

PREAMBLE.

WHEREAS by an Act of this Island, intituled, *An Act for attainting several Slaves now run-away from their Masters' Services; and for the better Government of Slaves*, dated the ninth Day of December, in the Year of our Lord one thousand seven hundred and twenty-three, it is, by the fortieth and forty-first Clauses thereof, enacted and ordained as follows, that is to say: " And whereas several cruel
 " Persons, to gratify their own Humours, against the Laws of God
 " and Humanity, frequently kill, destroy, or dismember their own,
 " and other Persons', Slaves; and have, hitherto, gone unpunished,
 " because it is inconsistent with the Constitution and Government
 " of this Island, and would be too great a Countenance and Encou-
 " ragement to Slaves to resist White Persons, to set Slaves, so far,
 " upon an equality with the Free Inhabitants, as to try those that
 " kill them for their Lives; nor is it known or practised in any of
 " the *Caribbee* Islands, that any Free Person killing a Slave, is triable
 " for his Life; but particular Laws (of which we are not provided)
 " are made in several of them, for punishing the aforesaid Crimes,
 " and are found very effectual, in deterring Persons from such
 " Crimes; be it, therefore, enacted and ordained by the Authority
 " aforesaid, That if any Free Person or Persons, whatsoever, shall
 " wilfully kill, or cause to be killed any Slave, whatsoever, either
 " belonging to himself or another, in any such manner as is not
 " excusable by the Laws of *Great Britain*, or allowed by the Laws
 " of this Island; whether the same be by excessive Punishment or
 " otherwise; or shall geld, or dismember any such Slave; that then,
 " such Person or Persons shall and may be prosecuted, by Present-
 " ment, Indictment, or Information before Justices of the Peace in
 " their Sessions, or Justices of Oyer and Terminer and Gaol-
 " delivery; and, upon Conviction of any such Killing, the Offender
 " or Offenders shall be fined, each, in any Sum not under one hun-
 " dred Pounds, nor exceeding three hundred Pounds, lawful Money
 " of this Island, and be imprisoned till said Fine be paid, and all
 " due Fees; and find Sureties for their good Behaviour for one
 " Year; and in case of Gelding, or Dismembering, and Conviction
 " thereof, the Offender or Offenders shall, each, be fined any Sum
 " not under twenty Pounds, nor above one hundred Pounds, lawful
 " Money

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“ Money of this Island, and be imprisoned in the Common-Gaol
 “ till the same be paid ; and find Sureties for his good Behaviour for
 “ a Year ; so as the Prosecution be commenced in one Year after
 “ the Offence of killing, gelding, or maiming committed, and not
 “ after ; and shall likewise pay double Damages and Costs to the
 “ Party grieved ; to be recovered by Action of Trespass, in any
 “ Court of Record in this Island : the Moiety of which Fines for
 “ killing, gelding, or dismembering any Slave, shall be to the use of
 “ His Majesty, His Heirs, and Successors ; to be paid into the
 “ Public Treasury of this Island, to be employed towards repairing
 “ the Forts and Fortifications of this Island ; and the other Half to
 “ the Informer prosecuting therefore :” — And whereas from the
 Alteration of Times and Circumstances since the passing of the
 above recited Act, it is become necessary, that the said two Clauses
 thereof should be repealed ; We, therefore, Your Majesty’s most
 dutiful, loyal, and obedient Subjects, the Commander-in-Chief of
 Your Majesty’s *Leeward Caribbee* Islands in *America*, and the Coun-
 cil and Assembly of this Your Majesty’s Island *Antigua*, humbly
 pray Your Most Excellent Majesty, that it may be enacted and
 ordained ; and be it, and it is hereby enacted and ordained by the
 Authority aforesaid, That the said fortieth and forty-first Clauses of
 the above recited Act, shall be and are hereby declared to be re-
 pealed, and made null and void, to all Intents and Purposes what-
 soever, as fully and effectually as if the same had been never made.

ACT.
 No. 176, S. 40.
 41. repealed.

II. And whereas, in obedience to the Divine Law, and from Prin-
 ciples of Justice, Humanity, and Policy, it is right, that whosoever is
 guilty of wilful Murder of, or of wilful maiming, or wounding a
 Fellow-creature, whether a Free Person or a Slave, in any such
 manner as is not excusable by the Common, or Statute Law of
England, should suffer the Pains and Penalties of Death, or such
 other Punishment as by the said Laws such Persons are made liable
 to suffer for the said Crime ; be it, therefore, enacted and ordained
 by the Authority aforesaid, That, from and after the Publication of
 this Act, every White or other Free Person, who shall be charged
 with the Murder, or with the maiming or wounding a Slave,—
 whether belonging to himself, or to herself, or to any other Person
 or Persons whatsoever, and whether the same be by excessive Punish-
 ment or otherwise ; every such Person, so charged, shall be pro-
 ceeded against in the same manner as he or she would have been
 proceeded against, or tried, for the Murder of, or for the maiming
 or wounding a Free Person ; and, upon being convicted thereof,
 shall

White or Free
 Person char-
 ged with mur-
 dering or
 maiming
 Slave ; to be
 proceeded a-
 gainst as he
 would be for
 murdering or
 maiming Free
 Person :

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On Conviction to suffer Death, or such Punishment as Law of England inflicts for murdering or maiming Free Person.

shall suffer Death, or such other Punishment as by the Laws of England such Persons would be sentenced to suffer for the Murder of, or for the maiming or wounding a Free Person: Provided always, that such Conviction shall not extend to the Corrupting the Blood, or the Forfeiture of Lands or Tenements, Goods or Chattels; any Law, Custom, or Usage to the contrary thereof notwithstanding.

Dated at Saint Christopher's, the twenty-eighth Day of December, in the Year of our Lord one thousand seven hundred and ninety-seven, and of His Majesty's Reign the thirty-eighth.

JOHN BURKE, *Speaker*, pro tempore.

Passed the Assembly, this twenty-eighth Day of November, one thousand seven hundred and ninety-seven.

JOHN HILL,
Clerk of the Assembly.

Passed the Council, the twenty-eighth Day of November, one thousand seven hundred and ninety-seven.

By Command,

WILLIAM MATHEWS,
Deputy Secretary.

ROBERT L. S. THOMSON.

Published, this tenth Day of January, one thousand seven hundred and ninety-eight.

JOHN ROBERTS, *Dep. Pro. Marshal.*

No. 523.
SUPERSEDED.

No. 566,
which revives
original Act,
No. 348, sup-
fers No. 518,
the expired
Act on which
this is grafted,
to pass unre-
newed.

See

An Act to alter and amend an Act, intituled, An Act for reviving, amending, and further continuing an Act, intituled, An Act for laying a Duty of Powder on all Vessels trading to and from this Island, for the Protection of the Trade of the same; and for confirming certain Proceedings by the Recommendation of a joint Resolution of the Council and Assembly of this Island, relative to the Commutation

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No. 523.

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tation in part of the Powder Duty, not provided for by the said Act; and for appropriating the Monies arising from the said Commutation, now in the Hands of the Collector of the Powder Duty, and any Monies which may hereafter come into his Hands.

See No. 348,
No. 566, No.
576, the Acts
in force.

WHEREAS by the second Clause of an Act, intituled, *An Act for reviving, amending, and further continuing an Act, intituled, An Act for laying a Duty of Powder on all Vessels trading to and from this Island, for the Protection of the Trade of the same; and for confirming certain Proceedings by the Recommendation of a joint Resolution of the Council and Assembly of this Island, relative to the Commutation in part of the Powder Duty, not provided for by the said Act; and for appropriating the Monies arising from the said Commutation, now in the Hands of the Collector of the Powder Duty, and any Monies which may hereafter come into his Hands*, dated at Saint Christopher's, the twenty-seventh Day of May last,—it was enacted and ordained, that, from and after the passing of the said Act, it should and might be lawful for all Owners or Masters of any Vessels, belonging to any of the Ports or Places within any of the *United States of America*, arriving at any of the Ports within this Island to trade, to commute or pay in ready Money at the Rate of four Shillings and six Pence, Currency, *per* Pound for every such Pound of Powder, to the Payment of which any such Vessel might be liable, by virtue of the said Act: And whereas the said Sum of four Shillings and six Pence *per* Pound, has been found much too high, and therefore oppressive, and manifestly tending to discourage the Ships and Vessels of the said *American States*, from trading to this Island, with their Cargoes of Provisions or other Necessaries, to the great Injury of this Colony; We, therefore, Your Majesty's most dutiful and loyal Subjects, the Commander-in-Chief for the time being of Your Majesty's *Leeward Caribbee Islands in America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, do humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That so much of the said before recited Act, as imposes the said Price of four Shillings and six Pence *per* Pound, is hereby repealed and made void; and that, from and after the Publication of this Act, all

No. 518.

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Nis. 523, 524.

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Owners and Masters of Vessels belonging to the said *United States of America*, shall and may commute the same at three Shillings, current Money, *per Pound*, and no more: any thing in that, or any other Act, to the contrary notwithstanding.

Dated at *Saint Christopher's*, this twenty-seventh Day of *October*, in the Year of our Lord one thousand seven hundred and ninety-seven, and of His Majesty's Reign the thirty-eighth.

JOHN BURKE, *Speaker*, pro tempore.

Passed the Assembly, this fifth
Day of *October*, one thou-
sand seven hundred and nine-
ty-seven.

JOHN HILL,
Clerk of the Assembly.

Passed the Council, the fifth
Day of *October*, one thou-
sand seven hundred and
ninety-seven.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

ROBERT (L. S.) THOMSON.

Published this fourth Day of *November*, one thousand seven hundred and and ninety-seven.

JOHN ROBERTS, *Dep. Pro. Marshal.*

No. 524.
EXPLAINED
AND AMEND-
ED, by Act of
24th Jan. 1801,
(No. 550.)

An Act for laying a Tax on all Sugar Plantations, in this Island, not having one or more Cisterns thereon, and on all Houses, in either of the Towns of this Island; and applying the Money arising therefrom.

PREAMBLE.

WHEREAS many serious Inconveniencies do frequently arise to the Inhabitants in general of this Island, in Cases of Conflagrations; and when dry Weather has prevailed for any considerable Time, by exhausting the Ponds in the several Parts of this Island, or by reducing the Water therein to a very unwholesome State, by means

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means whereof great Mortality doth often ensue among the Slaves of this Island; which fatal Consequences might, in a great measure, be prevented, if such Steps as are in our Power were taken, for procuring a constant Supply of good Water, as well for the Use of the Slaves, as the White Inhabitants thereof; We, therefore, Your Majesty's loyal and obedient Subjects, the Commander-in-Chief of Your Majesty's *Leeward Caribbee Islands in America*, and the Council and Assembly of this Island *Antigua*, humbly pray Your Most Excellent Majesty, that it may be enacted; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That, in eighteen Months after the Passing and Publication of this Act, every Sugar Plantation, cultivated and carried on as such, *not having thereon one Cistern, at least, for the Purpose of holding drinking Water*, shall pay, annually, into the Treasury of this Island, the Sum of *thirty Pounds*, current Money of this Island, and every Dwelling-house in either of the Towns of this Island, and occupied and rented as such for sixty Pounds or more *per Annum*, *not having a Cistern thereto belonging for the holding drinking Water, if the Land belonging to such House will admit a Cistern to be built thereon, (and unless where expressly forbid by some existing Tenure of such Houses,)* shall pay, annually, into the Treasury of this Island, the Sum of twelve Pounds *per Centum*, each, current Money of this Island, on the annual Rent of such House; and that such Cistern on the Plantation, for every hundred Negroes, shall contain at least fifty Hogsheads of Water; and each Cistern belonging to each Dwelling-house, shall contain not less than twenty Hogsheads of Water. [*Doubts having arisen as to the precise Quantity meant by "Hogsheads," No. 550, S. 1, declares, that whenever the Term occurs in this Act, one hundred Gallons Wine Measure is to be understood.—It also enacts, that Cisterns on Plantations shall contain at the rate of fifty Gallons for every Slave, whatever the Number of Slaves.*]

Plantations & Houses not provided with Cisterns described, to pay Tax in Clause.

By No. 550, S. 2. Persons having Cisterns of inadequate Size to pay 12s. for every 50 Gallons deficient; and [by S. 3.] Persons having Cisterns out of repair, or without proper means of filling them, to pay as if they had no Cisterns.

II. And be it enacted and ordained by the Authority aforesaid, That in order the more readily to ascertain what Sugar Plantations and Houses are without Cisterns, the Proprietors, Possessors, Trustees, Attorneys, or any other Persons, having the chief Care and Direction of Sugar Plantations, and Houses, in the Town of *Saint John*, shall take the following Oath, *videlicet*,

Proprietor or Manager of Plantation or House to take

I [A. B.] do swear, That I will give a just and true Account of the Number of Cisterns belonging to or in any wise appertaining to any Sugar Plantation, or Plantations, in this Island, cultivated and carried on

OATH.

By No. 550. S.
4. Persons ha-
ving only an
Estate for Life
in Houses ex-
empt.

as such,—or to any House, in either of the Towns of this Island, renting annually for sixty Pounds or more,—which I am possessed of in my own Right, or in the Right of any other Person or Persons whomsoever, *without Equivocation, Deceit, or Fraud*; and will truly answer all such Questions, as shall be, lawfully, asked of me concerning such Plantations, and Houses, as aforesaid, having Cisterns thereto belonging.

SO HELP ME GOD.

Treasurer, in
annual Appli-
cation to Ma-
gistrates un-
der White
Servant Act,
to include Ac-
counts direc-
ted by Act.

III. And be it enacted by the Authority aforesaid, That in order that this Act may be carried into Execution with as little Trouble to all Parties concerned as possible, the Treasurer of this Island, in his annual Application to the Magistrates of the several Divisions in this Island, under the Authority of the Act commonly called the "*White Servant Act*," shall include the Accounts hereby directed to be taken; with the same Directions, respecting the Returns of the said Accounts, as are given touching the Return of the Accounts taken under the "*White Servant Act*."

Estates within
a Mile of
wholesome,
constant-flow-
ing Springs,
exempt from
Tax.

IV. And be it enacted and ordained by the Authority aforesaid, That such Estates as are so fortunate as to lay within the Distance of one Mile (by a Public Road, and without Trespass) from such constant-running Water-springs and Wells, as contain constant, wholesome, and drinkable Water, shall be exempt from the said Tax: any thing to the contrary notwithstanding.

Where differ-
ent Planta-
tions under
same Owner,
adjoin, one
Cistern of pro-
portionate Di-
mensions, will
suffice.

V. And be it further enacted and ordained by the Authority aforesaid, That where different Plantations belonging to the same Owner or Proprietor are joining each other, and a Cistern or Cisterns is, or shall be built upon any of the said Plantations, at or after the Proportion of fifty *Hogsheads* of Water for every hundred Slaves as aforesaid, that such Cistern or Cisterns shall be deemed a sufficient Compliance with this Act.

See S. 1. su-
pra.

Revenue un-
der Act to be
applied to Pub-
lic Use.

VI. And be it enacted and ordained by the Authority aforesaid, That the Money arising from the Operation of this Act, shall be applied by the Treasurer, to assist and defray the Charges and Expenses which may arise to the Public in general.

Dated at *Saint Christopher's*, the twenty-seventh Day of *January*, in the Year of our Lord one thousand seven hundred and ninety-eight, and of His Majesty's Reign the thirty-eighth.

JOHN BURKE, *Speaker*, pro tempore.

Passed

38th Geo. III.

Nis. 524, 525.

A. D. 1798.

Passed the Assembly, this sixteenth Day of *November*, one thousand seven hundred and ninety-seven.

JOHN HILL,
Clerk of the Assembly.

Passed the Council, this eleventh Day of *January*, one thousand seven hundred and ninety-eight.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

ROBERT (L. S.) THOMSON.

Published, this thirtieth Day of *January*, one thousand seven hundred and ninety-eight.

JOHN ROBERTS, *Dep. Pro. Marshal.*

An Act *supplementary to an Act, intituled, An Act for providing additional Subsistence for the Gunners and Matrosses employed upon the Forts and Batteries of this Island Antigua, and for the better regulating the said Matrosses.*

No. 525.

See Act of 22, April, 1796, (No. 510.)

WHEREAS several Forts and Batteries have been erected in this Island *Antigua*, and Gunners and Matrosses paid for attending thereon; but no Provision hath been, as yet, made for punishing Offences which may be committed by the Officers, or Matrosses, belonging to, or employed upon such Forts or Batteries; We, therefore, Your Majesty's most loyal and dutiful Subjects, the Commander-in-Chief of Your Majesty's *Leeward Caribbee Islands in America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, do humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That from and after the Publication of this Act, all Offences, committed at any time, by any Officer, Gunner, or Matross, belonging to, or employed upon any Fort, or Battery, now erected, or which may be hereafter erected in this Island *Antigua*,—or by any other Person or Persons doing Duty

Officer, Gunner, Matross, or other Person, employed in Fort or Battery violating ARTICLES OF WAR; in No. 485,

485, S. 45. or
future ARTI-
CLES OF
WAR; or guilt-
ty of false
Alarm; to be
arrested, or
confined, tri-
ed and punish-
ed, as Officer
or Private in
Militia;—

Duty or attending in such Fort or Battery, in time of actual Alarm, or when Martial Law shall be generally in force in this Island *Antigua*, —against any of the RULES OR ARTICLES mentioned and contained in an Act of this Island, intituled, *An Act to alter, revive, and amend, an Act intituled, An Act, to alter and amend an Act, intituled, An Act for regulating the Militia of this Island; and for the further Regulation of the said Militia; and fixing and appointing the Times when Martial Law shall be in force in this Island; and declaring and establishing Rules and Articles of War for the better Government of the said Militia at those Times*, and dated at *Antigua*, the thirtieth Day of March, in the thirty-third Year of His Majesty's Reign; or against any Rule or Article of War, which may be hereafter mentioned or contained in any future Act or Acts of this Island *Antigua*, for the Regulation or Government of the Militia of the said Island; or of the Offence of making, or causing to be made, any false Alarm; shall and may be tried and punished in manner following, that is to say; Every Person, offending against any of the said Rules or Articles of War; or making, or causing to be made any false Alarms; shall and may be put under Arrest, or confined by his superior Officer, as the case may require, and be tried and punished in the same manner, or as near as may be, as if he was a Commissioned-officer or Non-commissioned-officer or Private-man, in any Corps or Regiment of Militia in this Island; *SAVE* and except that the Warrant for holding any Court Martial for the Trial of such Offender, shall in all cases be issued, and the Members and Officers, to compose such Court Martial, appointed, by the Person who shall then preside, or command in this Island *Antigua*; and that such Court Martial shall, entirely, consist of Officers of, or belonging to some or one of the Regiments, or Corps of Militia in this Island.

Exception.

Military in
Forts, liable to
be punished
at all times, as
the Militia
would be du-
ring Martial
Law.

II. And be it also enacted and ordained by the Authority aforesaid, That all Officers, Gunners, and Matrosses, belonging to or employed upon any such Fort or Battery, shall be, at all times, subject to Martial Law, and liable to such Punishment, for any Offence by him or them committed at any time, as any Officer, Non-commissioned-officer and Private-man in any Regiment or Corps of Militia, in this Island, would be subject or liable to, when Martial Law is generally in force in this Island.

Authority to
Commander-
in-Chief,
Council, and
Assembly, to
allow the
King's
Troops,

III. And be it also enacted and ordained by the Authority aforesaid, That whenever any of His Majesty's Troops, shall be ordered to do Duty, upon any of the said Forts or Batteries, it shall and may be lawful to and for the Commander-in-Chief of this Island *Antigua* for

38th GEO. III.

Nis. 525, 526.

A. D. 1798.

for the time being, by and with the Consent of the Council and Assembly of this Island, to order and direct the Treasurer of this Island, or his Deputy for the time being, to pay unto or for the Use of the said Troops, as and for their additional Pay or Subsistence, any Sum or Sums of Money not exceeding, in the whole, the Sum or Sums of Money paid or allowed to the Matrosses, usually employed upon such Fort or Battery, to be divided and distributed in such Manner and Proportions, as the said Commander-in-Chief and the Council and Assembly shall think proper: Provided always, that if any Matross, serving upon such Fort or Battery, shall, in consequence thereof, be discharged; such Matross shall, upon his Dismission, be fully paid all Arrears, due to him for his Pay or Subsistence, and also additional Pay or Subsistence for one Month.

Troops, ordered to Duty in Fort or Battery, additional Subsistence, not exceeding Matrosses' Pay.

Matross discharged in consequence, to be paid Arrears, with Month's Subsistence.

Dated at *Saint Christopher's*, the twenty-seventh Day of *January*, in the Year of our Lord one thousand seven hundred and ninety-eight, and of His Majesty's Reign the thirty-eighth.

JOHN BURKE, *Speaker*, pro tempore.

Passed the Assembly, this eleventh Day of *January*, one thousand seven hundred and ninety-eight.

JOHN HILL,
Clerk of the Assembly.

Passed the Council, this eleventh Day of *January*, one thousand seven hundred and ninety-eight.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

ROBERT (L. S.) THOMSON.

Published this thirtieth Day of *January*, one thousand seven hundred and ninety-eight.

JOHN ROBERTS, *Dep. Pro. Marshal.*

An Act to revive and continue an Act, intituled, An Act for repealing certain Clauses in an Act of this Island, intituled, An Act for regulating Towns and Harbours,

No. 526.
EXPIRED.

38th GEO. III.

Nis. 526, 527.

A. D. 1798.

Harbours, settling of Markets, and encouraging Wharfs in this Island; and to prevent Abuses in the Fishery about the same; and for amending the said Act.

Dated 28th February, 1798.

No. 527. *An Act for settling and regulating the Trial of criminal Slaves by Jury.*

PREAMBLE.

ACT.
On Complaint charging Slave with Crime or Felony, Justice to issue Warrant, for apprehending Slave, and summon Evidence for Examination; and commit Slave, if apparently guilty.

Magistrate first applied to, when a Clergyman, to give Notice, in 24 Hours from Commitment, of Result of Examination to next Justice.

WHEREAS it has been found by Experience, That the Laws now in force for the Trial of criminal Slaves, are attended with many and great Inconveniencies, from there not being a Jury to determine the Fact, whether such Slaves are guilty, but that the whole Matter of Fact, as well as of Law, is to be determined by the Magistrates, presiding at the Trial of such criminal Slaves: To remedy such Inconveniencies; We, therefore, Your Majesty's most loyal and obedient Subjects, the Commander-in-Chief of Your Majesty's *Leeward Caribbee Islands in America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That upon any Complaint made to any Justice of the Peace within this Island, of any heinous or grievous Crime, or felonious Act or Acts, committed by any Slave or Slaves, the said Justice shall issue his Warrant for apprehending the Offender or Offenders; and shall summon all and every Person, and Persons, that can give Evidence thereof, to come before him; and if, upon Examination, it appears probable that the Slave or Slaves is or are guilty, the said Justice shall commit him, her, or them, to the Common-jail of this Island.

II. And whereas it is very unusual for any Person in Holy Orders, to sit on the Trial of any Person for his Life; be it also enacted and ordained by the Authority aforesaid, that whenever it shall happen, that the Magistrate first applied to is a Clergyman; then, and in such Case, the said Magistrate shall, within twenty-four Hours after such Commitment, give Notice, in general, of what has appeared before him, upon Examination of the Parties concerned, to any *Justice of the Peace next to him*; who shall, within ten Days after such Notice as aforesaid, certify to some other Justice (of the Quorum,

38th GEO. III.

No. 527.

A. D. 1798.

Quorum, if he be not of the Quorum himself) the Cause of such Commitment, and require such Justice,—by virtue of this Act; and such Justice is, upon such Certification, hereby required,—to associate himself with such Justice so certifying; and the said two last mentioned Justices are, hereby empowered and required, to try the said Offender or Offenders, within ten Days after the said Certification,—at the Court-house in the Town of *Saint John*, in this Island; and for that Purpose, by Warrant under their Hands and Seals, to cause the said Offender or Offenders, and all necessary Evidence, to come before them the said Justices: Provided always, if the Justice of the Peace, applied to as in the first Clause, shall not be in Holy Orders; then, the Certification to be by him made, shall be within ten Days after such Commitment as aforesaid.

Latter to certify, in ten Days, Cause of Commitment to another Justice. These two, (one must be of the Quorum,) in ten Days after, to try Offender.

Proviso.

III. And be it also enacted and ordained by the Authority aforesaid, That the said last mentioned Justices, shall issue a Warrant under their Hands and Seals, directed to the Provost Marshal of the said Island, or his lawful Deputy, authorizing and requiring the said Provost Marshal, or his said Deputy, to summon twelve reputable Inhabitants (being Whites) of the said Island, to meet them the said Justices at the said Court-house in the said Town of *Saint John*, at such time, within the said last mentioned ten Days, as they the said Justices shall think proper:—Provided always, That twelve Hours' Notice be given to the said Inhabitants so to be summoned.

Said two associated Justices to issue Warrant to Marshal, for Summons of twelve White Inhabitants.

Twelve Hours' Notice.

IV. And be it enacted and ordained by the Authority aforesaid, That the said two last mentioned Justices, and six of the said Inhabitants so summoned, shall be, and are hereby constituted and declared to be, a Court and Jury, with full Power and Authority to hear, and determine-upon all Evidences, Proofs, and Testimonies, at such Trial so to be had as aforesaid; the Testimony of one Slave against another being always admitted.

Said two associated Justices, and six of Inhabitants summoned; to be Court and Jury for trying Slave.

V. And be it also enacted and ordained by the Authority aforesaid, That the Jury to be named and impannelled for the Trial of such Offender or Offenders, shall be balloted-for and determined-upon, in the same manner as Juries, in the Court of *Common Pleas*, and *King's Bench and Grand Sessions*, are named and determined-upon, by Direction of the sixty-first Clause of the Act of Courts of this Island, now in force.

Jury to be balloted for as Juries under No. 485, S. 61.

VI. And be it enacted and ordained by the Authority aforesaid, That immediately after the said Jury shall be impannelled, the following Oath shall be administered to all and each of them.

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Q q

YOU

38th GEO. III.

No. 527.

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OATH of
Juryman.

YOU shall, to the best of your Judgment and Knowledge, impartially, try the Prisoner [or Prisoners] now before you; and true Verdict give according to the Evidence.

So HELP YOU GOD.

VII. And be it enacted and ordained by the Authority aforesaid, That to all Evidences examined upon any such Trial, if Whites or Free People of Colour, the following Oath shall be administered.

OATH of
White or Free
Witness.

YOU shall true and perfect Answer make to all such Questions as shall be put to you, touching the Matter, now before the Court, respecting the Prisoner at the Bar; you shall speak the Truth, the whole Truth, and nothing but the Truth.

So HELP YOU GOD.

If Jury—from
positive, or
strong pre-
sumptive
Proof—find
Slave guilty;
Justices, on
Trial or in
five Days
after, to pass
Sentence.

VIII. And be it enacted and ordained by the Authority aforesaid, That if, — by positive Proof, or violent and strong presumptive Proof,—they the said six Inhabitants, in their Capacity as Jurors aforesaid, shall find such Slave or Slaves guilty, of the Offence or Offences, wherewith such Slave or Slaves is or are charged; then the said last mentioned Justices shall,—either on the Day of Trial, or within five Days after,—pass Sentence of Death, or other Punishment, upon such Slave or Slaves, according to the Nature of the Offence or Offences.

If Sentence be
'Death', Jus-
tices to issue,
in twenty-four
Hours, War-
rant to Mar-
shal to cause
Execution, as
appointed—
not sooner
than four
Days.
See S. 11.

IX. And be it enacted and ordained by the Authority aforesaid, That in case any Sentence of Death be passed upon any such Slave or Slaves; then they the said two last mentioned Justices shall, within twenty-four Hours after passing Sentence, issue a Warrant under their Hands and Seals, directed to the Provost Marshal, or his lawful Deputy, to cause Execution to be done on such Slave or Slaves, at such Time and Place as they shall appoint, not before four Days after Condemnation.

If Sentence
on Slave
found guilty,
cannot, by
Law, be
Death; Jus-
tices to inflict
corporal Pu-
nishment of
their own Au-
thority.

X. And be it enacted and ordained by the Authority aforesaid, That in case the Offence or Offences with which such Slave or Slaves is or are charged, and of which such Slave or Slaves is or are found guilty, is or are such as, by the Law, Sentence of Death cannot be passed on such Slave or Slaves, but corporal Punishment only; then, the said two last mentioned Justices may, and they are hereby empowered, authorized, and required, by Warrant under their Hands and Seals, to cause to be inflicted such corporal Punishment,

38th Geo. III.

No. 527.

A. D. 1798.

on such Slave or Slaves, as they shall think proper, and in such Place, and at such Time, as they shall think most advisable.

XI. And be it enacted and ordained by the Authority aforesaid, That the said two last mentioned Justices shall, and they are hereby required to give Notice, of the said Sentence of Death so passed, to the Person in Chief Command in this Island, for the time being, within thirty-six Hours after passing such Sentence as aforesaid, on Pain of forfeiting twenty Pounds, Gold and Silver current Money of this Island, to be recovered, by Action of Debt, in any Court of Record in this Island; one half to the Informer, who shall sue for the same; and the other half to be paid into the Public Treasury of this Island.

Justices passing Sentence of Death as in S. 9. to apprise resident Chief-Commander, of such Proceeding, in thirty-six Hours after; under Penalty of 20%.

XII. And be it enacted and ordained by the Authority aforesaid, That the said Jury of six Inhabitants, shall enquire into the Damages sustained, by the Offence or Offences committed by such Slave or Slaves; and after the same shall be ascertained, such Slave or Slaves shall be delivered to his, her, or their Owner or Owners, provided he, she, or they, shall pay such Damages to the Party injured; but if such Owner or Owners refuse to pay the Amount of such Damage, it shall and may be lawful for the two last mentioned Justices and six Inhabitants, and they are hereby required, to adjudge such Slave or Slaves to be the Property of the Party injured, and his, her, or their Heirs and Assigns for ever: Provided always, that the said Recompense shall be given in Evidence, upon any Action that may be brought for the same Matter, and shall be held a sufficient Bar thereto, in any Court of Record in this Island.

Jury to assess Damages, sustained from Offence of Slave.

If Owner refuse to pay, Slave to be adjudged to Party injured.

Such Recompense, Bar to Action.

XIII. And that the Magistrates, and Inhabitants, of this Island, may not refuse or neglect, upon Application made, to sit, hear, and determine Cases of Slaves, as by this Act they are directed to do; be it therefore enacted by the Authority aforesaid, That any Justice, upon Application made as herein-before directed,—or any Inhabitant being a White, after he shall be duly summoned,—so making default; for such Refusal or Neglect, shall, severally, forfeit twenty Pounds, current Money of this Island; to be recovered by Action of Debt, in any Court or Courts of Record in this Island: and one half of such Penalty shall be paid to any Informer, who shall sue for the same; and the other half to the use of His Majesty, His Heirs, and Successors; to be applied to the Support of the Government of this Island, and the Public Charges thereof.

Magistrate refusing to sit—Juror, to attend—to hear and determine Cases of Slaves according to Act; to forfeit, each, 20%.; recoverable by Action; half to Informer; half to Public Use.

Q q 2

XIV.

38th GEO. III.

No. 527.

A. D. 1798.

Marshal to attend Trial; under Penalty of 20%.

Marshal to be allowed 3s. each, for summoning Jurors; 33s. for his Attendance.

Secretary, on Notice from either Justice, to attend; administer Oaths; and minute Proceedings in Book.

To be allowed 33s. for Attendance.

To forfeit 20% for Non-attendance.

Slaves in Custody, to be tried under Act.

XIV. And be it enacted and ordained by the Authority aforesaid, That the said Provost Marshal, or his lawful Deputy, shall attend every Trial so to be had as aforesaid, upon Pain of forfeiting, for every Neglect, the Sum of twenty Pounds, current Money of this Island; to be recovered by Warrant, under the Hands and Seals of the said two last mentioned Justices, directed to the Coroner of this Island; and applied, as the former Penalties of this Act are directed to be applied: and the said Provost Marshal, or his lawful Deputy, shall be allowed, in his public Accounts, the Sum of three Shillings, for each Juror summoned, and thirty-three Shillings, for his own Attendance, on each Trial.

XV. And be it enacted and ordained by the Authority aforesaid, That the Public Secretary of this Island, or his lawful Deputy, shall, upon receiving Notice from one, or either of the said two last mentioned Justices, attend every Trial to be had by virtue of this Act; and shall also administer the Oaths to all Jurors and Witnesses, and make a Memorandum, of the Proceedings, in a Book to be kept by him for that Purpose: and shall be allowed thirty-three Shillings, in his Public Accounts, for each Trial: and in case the said Secretary, or his lawful Deputy, shall neglect to attend, on each such Trial, he shall forfeit the Sum of twenty Pounds, current Money, of this Island; to be recovered by Warrant, under the Hands and Seals of the said two last mentioned Justices, directed to the said Provost Marshal, or his Deputy, and applied in the same manner as the former Penalties of this Act are directed to be applied.

XVI. And be it also enacted and ordained by the Authority aforesaid, That any Slaves who may now be in Custody for, or charged with any criminal Offence, shall be tried in the manner herein-before directed by this Act, and in no other manner.

Dated at *Saint Christopher's*, the twenty-eighth Day of *February*, in the Year of our Lord one thousand seven hundred and ninety-eight, and of His Majesty's Reign the thirty-eighth.

JAMES ATHILL, *Speaker*.

Passed

ISLAND OF ANTIGUA.

301

38th GEO. III.

Nis. 527, 528.

A. D. 1798.

Passed the Assembly, this twenty-second Day of *February*, one thousand seven hundred and ninety-eight.

Passed the Council, this twenty-second Day of *February*, one thousand seven hundred and ninety-eight.

JOHN HILL,
Clerk of the Assembly.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

ROBERT L. S. THOMSON.

Published this fifteenth Day of *March*, one thousand seven hundred and ninety-eight.

ROBERT CLOGSTOUN, *Dep. Pro. Marshal.*

An Act declaring Military Commissions, granted by his Excellency the Chief Governor of the Leeward Islands, or any other Commander-in-Chief of the said Islands, to be legal and valid; although not included in the Establishment of Officers, made and fixed by the Militia Law of this Island.

No. 528.

WHEREAS Your Majesty, by Letters Patent, under the Great Seal of Great Britain, bearing Date at *Westminster*, the eighteenth Day of *August*, in the Year of our Lord one thousand seven hundred and ninety-four, and in the thirty-fourth Year of Your Majesty's Reign, was graciously pleased to appoint his Excellency *Charles Leigh*, Esquire, to be Your Majesty's Captain-General and Governor-in-Chief, in and over all Your Majesty's *Leeward Caribbee* Islands in *America*; and did thereby authorize his said Excellency, to appoint all Officers Civil and Military within the said Islands: And whereas by a certain Act of this Island, intituled, *An Act to alter, revive, and amend an Act, intituled, An Act to alter and amend an Act, intituled, An Act for regulating the Militia of this Island; and for the further Regulation of the said Militia; and fixing and appointing the Times when Martial Law shall be in force in this Island; and declaring*

PREAMBLE.

No. 485.

38th GEO. III.

No. 528.

A. D. 1798.

and establishing Rules and Articles of War, for the better Government of the said Militia at those Times,—dated the thirtieth Day of March, in the Year of our Lord one thousand seven hundred and ninety-three, and of Your Majesty's Reign the thirty-third,—the Establishment of Officers, for each Corps of the Militia of this Island, is therein particularly recited and limited; whereby some Doubts have arisen, how far any other Military Commission, or Appointments, made by his said Excellency the Captain-General, can be considered legal and valid, as not being mentioned and recognized by the said recited Act: To obviate, therefore, the said Doubts, and to prevent Objections being started to any Military Commissions, or Commission, already granted by his said Excellency, the Captain-General, or which may hereafter be granted by him, or by any future Captain-General, or other Commander-in-Chief of the said *Leeward Caribbee* Islands, agreeably to the Powers and Authorities already given, or hereafter to be given to each of them by Your Majesty; We, Your Majesty's most dutiful, loyal, and obedient Subjects, the Commander-in-Chief of Your Majesty's said *Leeward Caribbee* Islands in *America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority of the same, That all and every Military Commission and Commissions, already granted by his said Excellency the Captain-General, or which may hereafter be granted by him, or by any future Captain-General, or other Commander-in-Chief of His Majesty's *Leeward Caribbee* Islands, shall be deemed, taken, and considered as legal and valid, to all Intents and Purposes, and as effectual as if the same had been particularly included and recognized in the said recited Act; and shall give to the Person, or Persons, holding the same, such Rank, in the Militia of this Island, as shall be particularly expressed and laid down in their respective Commissions; and shall also exempt such Persons from all Duty, whatever, in the Militia, or in the Forts and Fortifications in this Island; EXCEPT only such Duty as shall be ordered by their said respective Commissions: any thing in the said Act, to the contrary thereof, in any wise notwithstanding: PROVIDED ALWAYS, that nothing herein contained, shall extend, or be construed to extend, to change, encrease, diminish, or in any manner whatever to affect the Establishment of Officers, for each Corps of the Militia of this Island, as particularly fixed and laid down in the said recited Act.

Act.
Military
Commission
granted by
Commander-
in-Chief of
Leew. I. pre-
viously or
subsequently
to Act, valid;
to give Rank
expressed;
and to exempt
from Military
Duty other
than that
named in
Commission.

Proviso.

Dated

ISLAND OF ANTIGUA.

303

38th GEO. III.

Nis. 528 — 530.

A. D. 1798.

Dated at *Saint Christopher's*, the twenty-eighth Day of *February*, in the Year of our Lord one thousand seven hundred and ninety-eight, and of His Majesty's Reign the thirty-eighth.

JAMES ATHILL, *Speaker*.

Passed the Assembly, this twenty-second Day of *February*, one thousand seven hundred and ninety-eight.

Passed the Council, this twenty-second Day of *February*, one thousand seven hundred and ninety-eight.

JOHN HILL,
Clerk of the Assembly.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

ROBERT (L. S.) THOMSON.

Published, this fifteenth Day of *March*, one thousand seven hundred and ninety-eight.

ROBERT CLOGSTOUN, *Dep. Pro. Marshal.*

An Act to raise a Fund for defraying the Expenses incurred, by this Island, by the Meeting of the General Council and Assembly of the Leeward Islands, lately held at Saint Christopher's; and for discharging other Public Debts, occasioned by the present War.

Dated 7th June, 1798.

No. 529.
OBSOLETE.

An Act for reviving and continuing an Act, intituled, An Act for the Prevention of Damages to the Harbour of Saint John in this Island; for appointing an Harbour Master thereto; and for regulating his Duty.

Dated 8th December, 1798.

No. 530.
EXPIRED.
See No. 428.

An

No. 531. *An Act to prevent the Stealing or Destroying of Sheep or other Cattle.*

PREAMBLE.

British Stat.
14. GEO. II.
C. 6.

ACT.
Stealing
Sheep or Cat-
tle enume-
rated; or kil-
ling, with In-
tent to steal-
Carcase; or
assisting in
such Offence,
—Felony;
and punisha-
ble with
Death, as Fe-
lony without
Clergy.

WHEREAS it hath been found necessary, that the Crimes of stealing or destroying Sheep, or other Cattle, in this Island should be punished in the same manner as is directed, in and by the Statute made and passed at *Westminster*, in the fourteenth Year of His late Majesty's Reign, intituled, *An Act to render the Laws more effectual for the Preventing the Stealing and Destroying of Sheep, and other Cattle*; We, therefore, Your Majesty's loyal and obedient Subjects, the Commander-in-Chief of Your Majesty's *Leeward Caribbee Islands in America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, do humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That if any Person or Persons shall, at any time from and after the Passing and Publication of this Act, feloniously drive away, or, in any manner, feloniously steal one or more Sheep, or any Bull, Cow, Ox, Steer, Bullock, Heifer, Calf, or Lamb of any other Person or Persons whomsoever; or shall, wilfully, kill one or more Sheep, or any Bull, Cow, Ox, Steer, Bullock, Heifer, Calf, or Lamb of any other Person or Persons whomsoever, with a felonious Intent to steal the whole Carcase or Carcases, or any Part or Parts of the said Carcase, or Carcases, of one or more Sheep, or of any Bull, Cow, Ox, Steer, Bullock, Heifer, Calf, or Lamb, that shall be so killed; or shall assist or aid any Person or Persons, to commit any such Offence or Offences; that, then, the Person or Persons guilty of any such Offence or Offences, being thereof convicted in due form of Law, shall be adjudged guilty of Felony, and shall suffer Death, as in Cases of Felony without Benefit of Clergy.

Dated at *Saint Christopher's*, the eighth Day of *December*, in the Year of our Lord one thousand seven hundred and ninety-eight, and of His Majesty's Reign the thirty-ninth.

JAMES ATHILL, *Speaker*.

Passed the Assembly, this thirtieth Day of *August*, one thousand seven hundred and ninety-eight.

JOHN HILL, *Clerk of the Assembly*.

Passed

ISLAND OF ANTIGUA.

305

39th GEO. III.

Nis. 531, 532.

A. D. 1798.

Passed the Council, the first Day of *November*, one thousand seven hundred and ninety-eight. By Command,

WILLIAM MATHEWS, *Deputy Secretary*.

ROBERT (L. S.) THOMSON.

ANTIGUA. Published this thirteenth Day of *December*, one thousand seven hundred and ninety-eight.

ROBERT CLOGSTOUN, *Dep. Pro. Marshal*.

An Act for ascertaining the Freights of Goods and Merchandizes, and of Sugar, Rum, and other Produce of this Island, which shall be carried and transported, from one Part of the said Island to another Part of the said Island, in any Sloops, Shallops, Boats or Vessels, commonly called Sugar Droughers.

No. 532.
CONTINUED
AND AMENDED
by Act of
26th June,
1802, (No.
565.)

WHEREAS the free and easy Conveyance and Carriage of Goods and Merchandizes, and of Sugar, Rum, and other Produce of this Island, which shall be carried and transported, from one Part of the said Island to another Part of the said Island, in any Sloops, Shallops, Boats, or Vessels, commonly called Sugar Droughers, contributes very much to the Advancement of Trade, as well as to the Ease and Convenience of the Inhabitants in general; And whereas the Proprietors of Boats and Vessels commonly called Droughers, labour under very great Hardships from the present low Rates of Freight, which bear no Proportion to the heavy and unavoidable Expenses they incur, in the navigating of their Vessels, and to the Risk they run of their Vessels and Negroes in transporting Goods from one Part of the Island to another: And whereas the Value of Flour, Beef, Pork, and every Necessary of Life, as well as of Cordage, Canvas, and Naval Stores of all and every kind, are considerably advanced in Price, since the Time of passing a former Act regulating the said Freights, dated the twenty-first Day of *October*, one thousand seven hundred and sixty-three: And whereas the Hire of Negro Tradesmen of every Denomination, such as Carpenters, Caulkers, Sailmakers, Blacksmiths, and Sailors, (being

PREAMBLE.

No. 265.

VOL. II.

R r

People

People necessary for carrying on the said Droughing Business,) is also greatly increased, and the Value of the Boats and Vessels employed at present as Droughers exceed, very considerably, Vessels of the same Description employed, when the said Act of one thousand seven hundred and sixty-three was passed: and in case of the Loss of one or more Hogsheads of Sugar or Rum, the Owners of the said Vessels would be subject and liable to pay three times as much for such Loss, as they would when the said Act of one thousand seven hundred and sixty-three was passed; We, therefore, Your Majesty's most dutiful, loyal, and obedient Subjects, the Commander-in-Chief for the time being, in and over all Your Majesty's *Leeward Caribbee* Islands in *America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, do humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That, from and after the Passing and Publication of this Act, all Owners of Boats and Vessels commonly called Droughers, which shall hereafter be employed to transport Goods and Merchandize, and Sugar, Rum, and other Produce of this Island, from one Part of the Island to another, shall take and receive, for their Trouble and Risk in carrying of the same, at and after the Rates specified in the following Table, and no more, in *Time of War*:

See TABLE
and PROVI-
SIONAL AL-
TERATION,
in No. 565,
S. 2.

	Sugar and Rum, per hhd.	Tierces of Sugar, from 700lb. to 1000lb.	Tierces of Sugar, from 500lb. to 700lb.	Barrels Sugar, from 400lb. and under.	Wood Hoops, per M.	Boards, per M.	Shingles, per M.	Bricks, per M.	Staves, per M.
	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
To and from Nonsuch and Willoughby Bay from St. John's	21..	15..	9 ..	6 ..	45..	45..	11.3	60..	45..
To and from Belfast, English Harbour, Old Road, and Cade's Bay from St. John's	15..	12..	6..9	4..6	33..	33..	9 ..	49.6	33..
To and from and between Parham and St. John's, and to and from and be- tween Johnson's Point and St. John's	11.3	7..6	4..6	3 ..	22.6	22.6	7..6	37.6	22.6

ISLAND OF ANTIGUA.

307

39th GEO. III.

No. 532.

A. D. 1799.

II. *And be it enacted and ordained by the Authority aforesaid, That, on account of the Risk of Vessels being much diminished in Times of Peace, and the Prices of Materials and Provisions being also reduced, that in the Space of one Month from and after the Conclusion of the present War, the following Table of Rates of Freight, shall be substituted in Lieu of the one specified in the foregoing Clause of this Act, that is to say:*

	Rum and Sugar, per hhd.	Tierces of Sugar, from 700lb. to 1000lb.	Tierces of Sugar, from 500lb. to 700lb.	Barrels Sugar, from 400lb. and under.	Wood Hoops, per M.	Boards, per M.	Shingles, per M.	Bricks, per M.	Staves, per M.
	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
To and from Nonsuch and Willoughby Bay from St. John's	14..	10..	6 ..	4 ..	30..	30..	7..6	40..	30..
To and from Belfast, English Harbour, Old Road, and Cade's Bay from St. John's	10..	8 ..	4..6	3 ..	22..	22..	6 ..	33..	22..
To and from and between Parham and St. John's, and to and from and be- tween Johnson's Point and St. John's	7..6	5 ..	3 ..	2 ..	15..	15..	5 ..	25..	15..

[BY No. 565, S. 2. THIS TABLE, AS WELL AS THE PRECEDING, IS SUPERSEDED BY A TABLE CONSTRUCTED FOR THE TIME OF PEACE, WHICH, WITH AN AUGMENTATION OF FIFTY PER CENT. ON THE RATES, IS TO SERVE IN TIME OF WAR.]

III. *And be it also enacted and ordained by the Authority aforesaid, That all and every Owner and Owners, Master or Masters, of any such Shallop or Shallops, Boats or Vessels, carrying and transporting of Goods in or about this Island, who shall exact, take, and receive, for the Carriage of such Goods, more than the Sums specified in the preceding Tables of War and Peace Rates of Freight, shall, for every such Offence committed, forfeit double the Freight so charged by them, to be levied on his, her, or their Goods and Chattels, by Distress and Sale of the same, by Warrant under the Hands and Seals of any two or more Justices of the Peace of the said Island; which Warrant such Justices are hereby required to issue upon the Information of any one credible Witness upon Oath; the whole of which said Forfeiture shall go to him that shall so inform.* [By No. 565, S. 3. it is enacted, that if any Owner or Master of a Drougher exact a higher Rate of Freight than is expressed in the Table of S. 2. of that Act, including the provisional Augmentation thereby allowed in time of War; such Owner or Master shall, on Information before Justices, on Oath of credible Witness, forfeit double the Freight charged.]

Owners of
Droughers re-
sponsible as
CARRIERS
BY WATER
IN ENGLAND.

By No. 565, S.
1. 4. in force,
as altered, for
one Year from
26th June,
1802, and till
the Meeting of
the Houses.

IV. *And be it also enacted and ordained by the Authority aforesaid, That all Owners of Droughers, shall, in every Instance, be upon the same footing with the CARRIERS OF GOODS BY WATER IN ENGLAND; and that the same Responsibility which attaches to one, shall attach to the other, in every Instance whatever: any Agreement or Declaration to the contrary, notwithstanding.*

V. *And be it also enacted and ordained by the Authority aforesaid, That this Act shall continue and be in force for the Space of three Years from the Publication thereof; and, from thence, to the next Meeting of the Council and Assembly.*

Dated at Saint Christopher's, this twenty-first Day of February, in the Year of our Lord one thousand seven hundred and ninety-nine, and of His Majesty's Reign the thirty-ninth.

JAMES ATHILL, *Speaker.*

Passed

ISLAND OF ANTIGUA.

309

39th Geo. III.

Nis. 532, 533.

A. D. 1799.

Passed the Assembly, this twelfth
Day of *December*, one thousand
seven hundred and ninety-
eight.

Passed the Council, this thirty-
first Day of *January*, one
thousand seven hundred and
ninety-nine.

JOHN HILL,
Clerk of the Assembly.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

ROBERT (L. S.) THOMSON.

ANTIGUA. Published, this twenty-fifth Day of *February*, one
thousand seven hundred and ninety-nine.

ROBERT CLOGSTOUN, *Dep. Pro. Marshal.*

**An Act to alter and amend an Act, intituled, An Act for
cleaning and amending the Highways in this Island;
and to repeal an Act for cleaning and enlarging
common Paths and Highways in this Island.**

No. 533.
CONTINUED
AND AMEND-
ED by Act of
9th April,
1802, (No.
561.)

WHEREAS it hath been found by Experience, that the repair-
ing and amending the Highways, in this Island *Antigua*, in the
manner directed by a certain Act of this Island, dated the eleventh
Day of *August*, in the Year of our Lord one thousand seven hun-
dred and twenty-four, intituled, *An Act for cleaning and amending
the Highways in this Island; and to repeal an Act for cleaning and
enlarging common Paths and Highways in this Island*, is attended with
great Trouble and Inconvenience; and it, therefore, appears more
proper, that certain Parts, or Portions, of the said Highways should
be allotted to the several PROPRIETORS OF SLAVES, in each Divi-
sion of this Island, to be by them, amended and kept in repair, at
such times as may be found most convenient for that Purpose; We,
therefore, Your Majesty's most loyal and obedient Subjects, the
Commander-in-Chief for the time being in and over all Your
Majesty's *Leeward Caribbee* Islands in *America*, and the Council and
Assembly of this Your Majesty's Island *Antigua*, do humbly pray
Your Most Excellent Majesty, that it may be enacted and ordained;
and be it, and it is hereby enacted and ordained by the Authority
aforesaid,

PREAMBLE.

No. 180.

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No. 533.

A. D. 1799.

ACT.
So much of
No. 180, and
of each of its
Clauses as di-
rects High-
ways to be re-
paired by ge-
neral Inhabi-
tants of each
Division; re-
pealed.

Waywardens,
or two *min.* in
each Division,
to summon six
or more repu-
table Inhabi-
tants to attend
Waywardens,
to make Al-
lotments of
Highways for
Proprietor, or
Proprietors, of
Slaves to re-
pair.

OATH of In-
habitant ma-
king Allot-
ment.

aforesaid, That, immediately after the Publication of this Act, so much, and such Parts or Clauses, of the said Act, intituled, *An Act for cleaning and amending the Highways in this Island; and to repeal an Act for cleaning and enlarging common Paths and Highways in this Island*, as direct the Highways, in this Island, to be repaired or cleaned by the general Inhabitants of each Division of this Island, and every Clause, or Clauses, in the said Act, relating thereto, shall be, and the same are hereby repealed and made void.

II. And be it also enacted and ordained by the Authority aforesaid, That, within ten Days after the Passing and Publication of this Act, the Waywardens for the several Divisions of this Island, or any two of them, shall, by Warrant under their Hands and Seals, direct any Constable to summon six or more Proprietors of Slaves, or other reputable Inhabitants, in the respective Division under their Care or Direction, to attend the said Waywardens, or any two of them, at a certain Time and Place in the said Warrant to be specified, for the Purpose of ALLOTING a certain Part or Portion of the Highways, in the said Division, to be mended and kept in constant repair, by each respective Proprietor of Slaves in such Division, or by any two or more of such Proprietors, as shall be judged proper, according to the Number of Slaves belonging to such Proprietor or Proprietors; and that before such Allotment shall be made or proceeded upon, the Persons, so summoned and attending, shall severally take the following Oath, *videlicet*;

I [naming himself] *do solemnly swear upon the Holy Evangelists of Almighty God, that I will, to the best of my Knowledge and Judgment, allot and apportion such Part or Parts of the Highways in the Division [mentioning the Division] which I shall, in my Conscience, think ought to be amended and repaired by each respective Proprietor or Proprietors of Slaves in the said Division, according to the Number of Slaves belonging to such Proprietor or Proprietors, without any Favour or Partiality whatever.*

SO HELP ME GOD.

Which Oath the said Waywardens or any one of them are hereby authorized and required to administer.

[By Act of 9th April, 1802, (No. 561,) S. 2. it is enacted, that any Person or Persons in any Division of this Island, who is or are dissatisfied with the Allotments in force by virtue of Sect. 2. 3. 4. 5. 6. of this Act, which may have become unfair by local Changes, may and are thereby authorized

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authorized to state the same, within thirty Days after passing that Act, to the Waywardens of the Divisions, respectively, in which such Person or Persons so dissatisfied shall have any Road to repair; and that, in all such cases, the Waywardens, or any two of them, shall and they are thereby authorized and required to proceed to the Consideration of all such Notices, and to the Making such new Allotment of the Roads in their respective Divisions, as may be thought expedient, proceeding in the manner directed by this Act.

And by S. 3. of said No. 561, it is enacted, that if any Person or Persons shall consider himself, herself, or themselves aggrieved by the Allotments so made, such Person or Persons may appeal from the Decision of the Waywardens, to the next ensuing Court of King's Bench and Grand Sessions, who may make such Order thereon, by altering or amending the same, as to them shall seem expedient.]

III. And be it also enacted and ordained by the Authority aforesaid, That, for the better enabling the said Waywardens and Inhabitants to make the Allotments aforesaid, the Surveyor-General of this Island, or if no such Officer, then any other Surveyor to be appointed by the said Waywardens, or any two of them, shall attend the said Waywardens, or any two of them, and the said Inhabitants, summoned and attending, as aforesaid, for the Purpose of measuring the said Highways: who shall receive, from the Public Treasury of this Island, such Reward or Compensation for his Trouble, as the said Waywardens, or any two of them, shall, by any Order or Writing under their Hands, direct or appoint, not exceeding sixty-six Shillings *per diem*.

IV. And be it also enacted and ordained by the Authority aforesaid, That if the said Allotment cannot conveniently be made in *one* Day, that then such further Time or Times shall be appointed, for further proceeding in, and compleating the same, as the said Waywardens, or any two of them, shall in their Discretion think proper. And a Memorandum of such Division, or Allotments, as have been already made, and the Time and Place appointed for further proceeding in, or compleating the same, shall be made, and signed by the said Waywardens and Inhabitants: and in case it should so happen, that six or more reputable Proprietors of Slaves, or respectable Inhabitants, are not to be found in any one District or Division; then, and in that case, the Waywardens shall and may, in their Warrant, direct the Constable to summon as many such Persons, from one or either of the adjoining Districts or Divisions, as are sufficient to make the Allotment of the different Portions

Surveyor-General, or if no such Officer, other Surveyor to attend Waywardens and Inhabitants making Allotments.

His Remuneration.

If Allotment cannot be made in one Day, Waywardens to appoint further Time.

Memorandum by Waywardens and Inhabitants.

On Insufficiency of reputable Inhabitants, Number to be compleated from adjoining Division.

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Portions of Road, to be amended by the several Proprietors of Slaves, as aforesaid.

Allotment, when signed by Waywardens and Inhabitants, to be returned to be recorded by Secretary, &c.

Copy of Allotment attested by Secretary; Evidence.

Secretary, on Payment by Applicant, to grant Copy.

Inhabitant summoned to make Allotment, not attending; to forfeit 10/.

Recoverable as in S. 14.

Proprietor or Manager of Slaves, failing to repair Allotment, in three Days after Notice; to forfeit for first Offence 25/; second, 50/; subsequent, 100/, and be imprisoned, —unless Defaulters shew good Excuse to Justices.

V. And be it also enacted and ordained by the Authority aforesaid, That when the said Allotment hath been compleated, it shall be reduced into Writing, and signed by the said Waywardens, or any two of them, and the said Inhabitants so summoned as aforesaid, or the major Part of them, and returned, within ten Days afterwards, into the Secretary's Office of this Island, to be entered and recorded among the Proceedings of the Court of *King's Bench and Grand Sessions of the Peace* holden or to be holden for this Island: and a Copy thereof, attested by the Secretary of this Island, or his Deputy for the time being, shall be admitted and allowed, as sufficient Evidence of such Allotment, in any Information or Prosecution made or carried on for any Offence committed against this Act: and the Secretary of this Island, or his lawful Deputy for the time being, shall, at and upon the Request and Costs of any Person applying for the same, deliver an attested Copy of such Allotment, or any Part thereof.

VI. And be it also enacted and ordained by the Authority aforesaid, That if any of the said Inhabitants, being duly summoned,—either in Person, or by leaving a Copy of such Warrant or of the Purport or Effect thereof at his usual Place of Abode, at least forty-eight Hours next before the Hour, or Time, appointed for his Attendance,—shall neglect or refuse to attend accordingly, or to attend at any other Time or Place appointed for the further proceeding in, or compleating the Allotment aforesaid; the Person or Persons so offending shall, for each Offence, forfeit and pay the Sum of ten Pounds, current Gold and Silver Money of this Island; to be recovered in manner and form herein-after mentioned.

VII. And be it also enacted and ordained by the Authority aforesaid, That any Proprietor or Proprietors of Slaves, or his, her, or their Attorney, or Manager, who shall refuse or neglect, well and sufficiently to amend and repair, such Part of the said Highway as he, she, or they are, in and by the said Allotment, required or appointed to amend and repair, within three Days next after Notice in Writing hath been given to him, her, or them for that Purpose, by any one or more of the said Waywardens, shall forfeit and pay, for the first Offence, the Sum of twenty-five Pounds, current Gold and Silver Money; for the second Offence, the Sum of fifty Pounds, like Money; to be recovered in manner herein-after mentioned; and for the third, and every other Offence, the Sum of one hundred Pounds

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Pounds, with the further Punishment of six Months Imprisonment in the Common-jail of this Island *Antigua*, unless such Offender or Offenders shall shew reasonable Cause or Excuse for such Neglect, to the Satisfaction of two or more Justices (one being of the Quorum) before whom he, she, or they are prosecuted.

VIII. And be it also enacted and ordained by the Authority aforesaid, That it shall and may be lawful to and for any Person or Persons, who shall think themselves aggrieved by the Allotment aforesaid, to apply, to the next Court of *King's Bench and Grand Sessions of the Peace*, holden for this Island *Antigua*, by a Petition, setting forth the manner whereby they are prejudiced, or aggrieved, by the said Allotment; and the said Court, upon hearing the Merits of the said Petition, may make such Alteration or Amendment in the said Allotment, as they in their Discretion shall think proper: Provided always, that such Petition be duly filed in the Secretary's Office of this Island, at least six Days before the Day appointed for the first Holding or Sitting of the said Court; and that a Copy of such Petition, attested by the Secretary or his Deputy, be also delivered, to one of the said Waywardens, five Days before the Sitting of the said Court.

Person aggrieved by Allotment, may petition next Court of K. B. and Grand Sessions.

Petition to be filed six Days before first Court, &c.

IX. And be it also enacted and ordained by the Authority aforesaid, That the said Court of *King's Bench and Grand Sessions of the Peace* shall and may, from time to time,—if it shall appear to them necessary or proper, from any Change or Alteration in the Property of one or more of the Proprietors of Slaves, in any Division of this Island,—order or direct a new Allotment, of the Highways in such Division, to be made within a Time to be limited by the said Court; and such Allotment shall be made, and returned into the Secretary's Office of this Island, in the same manner as is herein-before directed,—and may be, also, altered or amended in the manner and form aforesaid.

Court of K. B. and Grand Sessions may —if Change of Property render it necessary—order new Allotment under S. 2. 3. 4. 5. 6. 7. 8. by time limited by Court.

X. And be it also enacted and ordained by the Authority aforesaid, That every Person or Persons who shall neglect or refuse to attend, for the Purpose of making such further or other Allotment or Allotments; or shall neglect or refuse well and sufficiently to amend and repair such Part of the said Highways, as he, she, or they are, in or by such further or other, or amended Allotment or Allotments, required or appointed to amend or repair; shall incur, and be subject to the same Pains, Forfeitures, and Penalties as are herein-before mentioned and provided, for not attending to make, or refusing to proceed upon the first Allotment herein-before directed

Persons not attending to make; or not repairing new Allotment; liable to respective Penalties in S. 6. 7.

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to be made, or for neglecting or refusing to amend and keep in repair such Part or Portion of the Highway as he, she, or they are, in or by such Allotment, required or appointed to amend and keep in repair.

After Petition
for new Allot-
ment filed
with Secreta-
ry; Waywar-
dens and also
Petitioner
may have Sub-
pœnas into
K. B.

Form of Sub-
pœna.

Witness not
attending lia-
ble to Penalty
as in other
Cause.

If Allotment
confirmed,
Petitioner to
pay Waywar-
dens' Costs,
&c.

If Allotment
rescinded,
Treasurer to
pay Waywar-
dens' Costs,
&c.

By No. 561,
S. 4. this
Clause is re-
pealed; and
at two prescri-
bed times in
the Year, on
Summons from
Waywardens,
each

XI. And be it also enacted and ordained by the Authority afore-
said, That whenever any Petition, for altering or amending any of
the said Allotments, shall be filed in the Secretary's Office of this
Island, as aforesaid; it shall and may be lawful to and for the said
Waywardens, or any one or more of them,—and also for the said
Petitioner, or Petitioners,—to apply for, and obtain from the said
Office, one or more Writ or Writs of Subpœna, for compelling the
Attendance, of such Witness or Witnesses as he, she, or they shall
think necessary, at the said Court of *King's Bench and Grand
Sessions of the Peace*, to testify and give Evidence upon the Matter
of the said Petition; which said Writ or Writs of Subpœna shall be
in the same form, and attested and served in the same manner, or
as nearly as Circumstances will permit, as Writs of Subpœna for
attending to give Evidence at the said Court of *King's Bench and
Grand Sessions of the Peace*, now are, or hereafter shall be made,
issued, or served: and the Person or Persons neglecting or refusing
to obey or comply therewith, shall be subject to the same Penalties
and Punishments as they would be subject or liable to, for disobeying
a Writ of Subpœna, for attending to give Evidence, in any other
Cause.

XII. And be it also enacted and ordained by the Authority afore-
said, That if, upon the Hearing of the said Petition, the Allotment
complained of shall be affirmed, the Petitioner or Petitioners shall
pay, to the said Waywardens, all reasonable Costs paid or expended,
by them, in Defence and Support of the said Allotment; to be
taxed by the Secretary, or his Deputy for the time being, and to be
recovered by Attachment, issued by the said Court of *King's Bench
and Grand Sessions of the Peace*: but if the said Allotment shall be
altered or amended; then the Costs of the said Waywardens shall be
paid out of the Public Treasury of this Island, by an Order in
Writing signed by the President of the said Court.

XIII. And be it also enacted and ordained by the Authority afore-
said, That at the next Court of *King's Bench and Grand Sessions of the
Peace*, to be holden for this Island Antigua, after the Passing and Publi-
cation of this Act, and at every subsequent Court, the respective Way-
wardens for the several Divisions in this Island, shall make and return to
the said Court, an Account and Report in writing, either jointly or severally,
of

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of the State and Condition of the Highways, in the respective Division under his or their Care and Direction; and shall, in open Court, make Oath that the Return or Account, by him or them, then delivered, is just and true, to the best of his or their Judgment and Belief: and if such Return or Account shall not be duly made, and sworn-to as aforesaid, each of the Offenders shall be fined, by the said Court, in the Sum of fifty Pounds, current Gold or Silver Money, and be committed until the said Fine shall be paid, unless one or more of the said Waywardens shall, at the subsequent Court of Sessions, offer to the Court such Excuse as shall be by them deemed satisfactory.

each Inhabitant is to make Oath before them, that his Portion of Road has been repaired, under Penalty [No. 561. S. 5.] of 50l. for Non-attendance or Refusal of Oath.

XIV. And be it also enacted and ordained by the Authority aforesaid, That all Fines or Forfeitures, imposed or incurred by or under this Act, and not otherwise provided for, shall be recovered by Information, before any two or more Justices of the Peace for this Island, (one being of the Quorum,) upon the Oath of any credible Witness; and shall be levied by a Warrant, under the Hands and Seals of such Justices, by Distress and Sale of the Offender's Goods and Chattels: and if no sufficient Goods and Chattels, then such Offender or Offenders shall, by a Warrant under the Hands and Seals of such Justices, be committed to the Common-jail of this Island, for the Space of six Calendar Months, or until the said Fine or Forfeiture, together with all reasonable Costs and Charges, be fully paid and satisfied; and all such Fines or Penalties, recovered under this Act, shall be paid into the Public Treasury of this Island.

Fines under Act to be recovered by Information before Justices, (one of the Quorum,) on Oath of any credible Witness.

Warrant for Distress. If Distress insufficient, Imprisonment for six Months. Fine to be paid into Treasury.

XV. And be it enacted and ordained by the Authority aforesaid, That in all cases of any Person or Persons refusing to repair their Proportion of Road,—in order that the Public may not suffer by his or their Contumacy, the Waywardens, by and with the Consent and Approbation of two or more of His Majesty's Justices of the Peace, (one being of the Quorum,) may hire Negroes to mend his or their said Allotment, and recover double the Expense attending the same, by a Warrant under the Hands and Seals of any two of his Majesty's said Justices.

Waywardens may hire Negroes to repair Allotment of Person neglecting; and recover against Defaulter double the Expense.—

XVI. And whereas several Estates, which were formerly worked as Sugar Plantations, are now dismantled, and the High-roads and Jury-paths leading to and from the said Estates are become useless; be it and it is hereby enacted and ordained by the Authority aforesaid, That, from and after the Publication of this Act, no High-road or Jury-path leading to or from any dismantled Sugar Plantation, shall be considered, as a public Road, by the Inhabitants making the Allotments of Roads required by this Act; it being the

Road or Jury-path leading to dismantled Plantation, not a Public Road.

One Road only to Church and Market.

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Nis. 533, 534.

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Intent and Meaning of this Act, that no Person shall have more than one Road to the Church and Market.

*In force by
No. 561, S. 6.
for seven
Years from
13th April,
1802, and till
forty Days af-
ter the Houses
meet.*

XVII. And be it also enacted and ordained by the Authority aforesaid, That this Act shall be and continue in force, *from the Date thereof for three Years, and, from thence, also until thirty Days after the next Meeting of the Council and Assembly of this Island.*

Dated at *Saint Christopher's*, this twenty-first Day of *February*, in the Year of our Lord one thousand seven hundred and ninety-nine, and of His Majesty's Reign the thirty-ninth.

JAMES ATHILL, *Speaker.*

Passed the Assembly, this twelfth
Day of *December*, one thou-
sand seven hundred and nine-
ty-eight.

Passed the Council, this thir-
ty-first Day of *January*,
one thousand seven hun-
dred and ninety-nine.

JOHN HILL,
Clerk of the Assembly.

By Command,

WILLIAM MATHEWS,
Deputy Secretary.

ROBERT (L. S.) THOMSON.

ANTIGUA. Published, this twenty-fifth Day of *February*, one thousand seven hundred and ninety-nine.

ROBERT CLOGSTOUN, *Dep. Pro. Marshal.*

No. 534.

*ABSORBED in
later Act of
Revival of 30th
March, 1803.
(No. 573.)
See original
Act of 6th
Sept. 1788,
(No. 456,)
with Notices
of Acts in
force.*

An Act for further continuing an Act, intituled, An Act for laying certain Duties on Licenses, to be taken out by all Persons acting as Tavern Keepers, Punch-house Keepers, or Retailers of Wines, Rum, or other Liquors; and imposing Duties on Rum, Cordial Waters, and other Strong Waters sold by Retail; and for applying the same.

WHEREAS an Act, intituled, *An Act for laying certain Duties on Licenses, to be taken out by all Persons acting as Tavern Keepers, Punch-*
house

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house Keepers, or Retailers of Wines, Rum, or other Liquors; and imposing Duties on Rum, Cordial Waters, and other Strong Waters sold by Retail; and for applying the same; dated at Antigua, the sixth Day of September, in the Year of our Lord one thousand seven hundred and eighty-eight; and continued and amended by an Act, intituled, An Act for continuing and amending an Act for laying certain Duties on Licenses, to be taken out by all Persons acting as Tavern Keepers, Punch-house Keepers, or Retailers of Wines, Rum, or other Liquors; and imposing Duties on Rum, Cordial Waters, and other Strong Waters sold by Retail; and for applying the same, dated at Antigua, the twenty-third Day of October, in the Year of our Lord one thousand seven hundred and eighty-nine; and revived, continued, and amended by an Act, intituled, An Act for reviving, continuing, and amending an Act, intituled, An Act for laying certain Duties on Licenses, to be taken out by all Persons acting as Tavern Keepers, Punch-house Keepers, or Retailers of Wines, Rum, or other Liquors; and imposing Duties on Rum, Cordial Waters, and other Strong Waters sold by Retail; and for applying the same, dated at Antigua, the fourteenth Day of January, in the Year of our Lord one thousand seven hundred and ninety-one; and revived, amended, and further continued, by an Act, intituled, An Act for reviving, continuing, and amending an Act, intituled, An Act for laying certain Duties on Licenses, to be taken out by all Persons acting as Tavern Keepers, Punch-house Keepers, or Retailers of Wines, Rum, or other Liquors; and imposing Duties on Rum, Cordial Waters, and other Strong Waters sold by Retail; and for applying the same, dated at Saint Christopher's, the twenty-second Day of April, in the Year of our Lord one thousand seven hundred and ninety-six, will expire at the Meeting of the Council and Assembly of this Island, next after the twenty-second Day of April, in this present Year of our Lord one thousand seven hundred and ninety-nine, unless further continued; We, therefore, Your Majesty's loyal and obedient Subjects, the Commander-in-Chief for the time being, in and over all Your Majesty's Leeward Caribbee Islands in America, and the Council and Assembly of this Your Majesty's Island Antigua, do humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That the said first mentioned Act, and also all and every Clause and Sections contained in all or any of the said other Acts herein-before mentioned, whereby the said first mentioned Act is altered, added to, or amended, shall be continued; and the same are hereby continued in full force for the Space or Term of one Year from the Date of this Act,

No. 456.

No. 462.

No. 474.

No. 508.

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Nis. 534—536.

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Act, and, from thence, until the next Meeting of the Council and Assembly of this Island.

Dated at *Saint Christopher's*, the fifth Day of *April*, in the Year of our Lord one thousand seven hundred and ninety-nine, and of His Majesty's Reign the thirty-ninth.

JAMES ATHILL, *Speaker*.

Passed the Assembly, this twenty-eighth Day of *March*, one thousand seven hundred and ninety-nine.

Passed the Council, this twenty-eighth Day of *March*, one thousand seven hundred and ninety-nine.

JOHN HILL,
Clerk of the Assembly.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

ROBERT (L. S.) THOMSON.

ANTIGUA. Published, this eighth Day of *April*, one thousand seven hundred and ninety-nine.

ROBERT CLOGSTOUN, *Dep. Pro. Marshal.*

No. 535. **An Act** raising a Tax for paying Public Debts and Charges; and particularly applying the same.

EXPIRED.

Dated 13th June, 1799.

No. 536. **An Act** to alter and amend certain Parts of certain Clauses of an Act, intituled, An Act for more easily recovering Parish Taxes, and the Arrears of Parish Taxes, being supplementary to an Act, intituled, An Act for dividing the Island into Parishes, as far as the same may relate to the Recovery of Parish Taxes; and for rendering all Arrears of Parish Taxes of more permanent

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permanent Security; and to alter and amend a certain Clause in the Act commonly called "THE TRANSIENT TAX ACT."

WHEREAS in and by the said Act, which passed in the Year of our Lord one thousand seven hundred and eighty-three, intituled, *An Act for more easily recovering Parish Taxes, and the Arrears of Parish Taxes*, it is, amongst other things, enacted and ordained, that in case any Person or Persons who were, or should thereby be taxed or rated, should refuse, or neglect, to pay such Taxes or Rates, within two Months after the Tax Roll should have been fixed-up in the manner directed by the said Act,—that in such case, the Person or Persons so refusing, or neglecting to pay the same, and not shewing good Cause to the contrary, according to the Forms and Regulations of the said Act, should be proceeded against, by Warrant of any two Justices of the Peace, directed to the Constable or Constables of the Parish for the Purpose of levying upon the Negroes, Horses, Mules, and any other Goods and Chattels of such Person or Persons, so in default: And whereas it hath been found very inconvenient, and unsuitable to the Exigencies of various of the parochial Purposes of the said Parishes, where large Provision is daily required for the Maintenance of the Poor, that there should be so great a Delay as two Months, for the collecting or enforcing Payment of the annual Parish Taxes, after the same have been settled or affixed; We, therefore, Your Majesty's most dutiful, loyal, and obedient Subjects, the Commander-in-Chief for the time being in and over all Your Majesty's *Leeward Caribbee Islands in America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That so much of that Clause or Section contained in the said recited Act, as relates to the Extension of the Time, to two Months, for collecting or enforcing Payment of the said Tax in every Year, shall be, and is hereby repealed, annulled, and made void, as far as the same shall extend, or may be construed to extend to the Space of two Months as aforesaid.

II. And be it further enacted by the Authority aforesaid, That, from and after the Passing and Publication of this Act, every Person neglecting, or refusing, to pay his or her Tax or Rate lawfully raised, ordered, or assessed by any of the Vestries of any Parish of this

PREAMBLE.

No. 418.

Act.

So much of
No. 418, S. 2.
as extends
Time, for
paying Parish
Tax, to two
Months, re-
pealed.

Person failing
to pay Tax in
one Month af-
ter Roll post-
ed; liable to
Warrant ser-
ved as in S. 3.

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No. 536.

A. D. 1799.

this Island, within one Calendar Month after the said Tax Roll shall have been fixed-up as aforesaid; such Person shall be proceeded against, by Warrant of any Justice of the Peace of the said Island, in manner herein-after mentioned.

Justices' Warrant against Defaulter in Payment of Parish Taxes, to be directed to Provost Marshal.

Marshal to proceed as Constable is directed by No. 418, S. 3. 4. under same Penalty as imposed on Constable by No. 418, S. 4.

Marshal's Fees.

Parish Taxes, or Arrears of Parish Taxes; a Charge on Defaulter's Goods, Slaves, Lands, &c., Rents, and Annuities; from time of becoming due till Payment.

Representative of deceased Defaulter, to pay Parish Taxes prior

III. And whereas great Delay, and oftentimes great Irregularity, hath been found to arise from employing Constables, in the Execution of Warrants, for levying and distraining on Defaulters, respecting the Non-payment of their Parish Taxes; be it therefore enacted and ordained by the Authority aforesaid, That, from and after the Publication of this Act, so often as it shall appear necessary to the said Justices, on Application made to them by the Churchwardens, to issue their Warrant or Warrants for levying or distraining on Defaulters for the Non-payment of their Parish Taxes; such Warrant or Warrants shall, hereafter, be directed to the Provost Marshal of the said Island, or his lawful Deputy, instead of being directed to any Constable or Constables; and the said Provost Marshal, or his said Deputy, shall proceed, in all respects whatsoever, touching the Execution of the said Warrant or Warrants so directed to him, as the Constable or Constables should, might, or ought to have done by virtue of the herein recited Act; and shall be liable to all the Penalties and Forfeitures for the non, or undue, Performance thereof, as are directed and imposed, on the Constable or Constables, by the said Act; and shall be entitled to the same Fees to which he is entitled for levying for Public Taxes: any thing in that Act or any other Act or Law whatsoever, to the contrary thereof, in any wise notwithstanding.

IV. And be it further enacted and ordained by the Authority aforesaid, That all Taxes and Rates, and all Arrears of Taxes and Rates, now due, or to grow due, by virtue of any Resolution, Order, or Assessment of any of the Vestries of any Parish of this Island, from any Person or Persons whomsoever, shall continue and remain as a Charge on the Goods and Chattels, Slaves, Lands, Tenements, Hereditaments, Rents, and Annuities—in this Island and the Islands adjacent thereto—of the respective Debtor or Debtors in respect of such Taxes or Rates or Arrears thereof, against all other Persons whomsoever, into whose Hands such Property aforesaid, or any Part thereof, shall come or be vested, from the Days such Sums should have become first due, until the said Taxes, Rates, and Arrears thereof are fully paid; AND in case of the Death of such Debtor or Debtors; their Executors, Heirs, or other lawful Representatives, are hereby rendered liable to pay the said Parish Demands,

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mands, prior to any other Debt or Debts, whether by Judgment or otherwise due to any Subject or other Individual; the said Debt or Debts for the Parish Taxes, Rates, and Assessments, and all Arrears, thereof being declared hereby,—and it is the true Intent and Meaning of this Act, that they should be deemed and taken to be,—a Lien in Law on all such Property as aforesaid, and to obtain Preference in Law to all other Debts and Demands, *save and except* such as shall be found due to His Majesty, His Heirs, and Successors, for any Demand of the Crown, or for the Use of the Public Treasury of this Island: AND for want of a Sufficiency of Chattels, or personal Estate, of any deceased Defaulter or Debtor as aforesaid; the Slaves, Lands, Tenements, and Hereditaments, and Rent-charges belonging to him, her, or them, at the time of his, her, or their decease, shall be levied-on and sold by the said Provost Marshal, or his lawful Deputy, by Warrant from any two Justices of the Peace, in the same manner and form as is herein-before directed for distraining, levying, or selling, on default in Payment, of the Taxes and Rates, by Defaulters in their life-time.

prior to other Demands, *except* Debts to the Crown, or the Public of *Antigua*.

If Personalty of deceased Defaulter insufficient; his Slaves and real Property to be levied on by Marshal, under Justices' Warrant, as in Defaulter's life-time.

V. And whereas it hath been found by Experience, That when the Payments of Parish Taxes are made in Rum, or Sugar, the Disposal thereof hath occasioned much Trouble and Inconvenience to the Churchwardens; and it hath been sometimes necessary to sell the said Rum, or Sugar, at a considerable Loss, in order to raise Money for the Support of the Poor, and other parochial Purposes; and it hath therefore been usual and customary for Vestries to direct and order, that an Abatement or Deduction should be made from the Parish-Tax or Rate, if the same is paid in current Gold or Silver Money, within a time limited for that Purpose: but Doubts have arisen whether such Abatement or Deduction can be lawfully made: therefore, in order to remove such Doubts in future; be it also enacted and ordained by the Authority aforesaid, That whenever, in the Order made by any Vestry for the Payment of any Parish-Tax or Rate, any Deduction or Abatement shall be directed to be made, or allowed, to any Person who shall pay, or offer to pay the said Tax or Rate in Gold or Silver current Money, within a limited time for that purpose; such Allowance or Abatements shall and may be lawfully made by the Churchwardens, or acting Churchwarden, to any Person or Persons who shall pay, or offer to pay the Tax or Rate in current Gold or Silver Money, within the time so limited for that Purpose; and that, from and after the Expiration of

When Order of Vestry allows Abatement of Tax, on Payment in Money by limited time, Churchwardens may abate as allowed; but after time expired, *whole* of Tax must be paid.

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In Warrant
for levying Pa-
rish-Taxes or
Arrears,—to
state Sum or
Sums due,
whether for
Taxes or Ar-
rears; and to
authorize
Marshal to le-
vy according
to No. 418, re-
citing the Ti-
tle,—will be
sufficient.

the said limited time, the *whole* of the said Tax or Rate shall be paid, without any Deduction or Abatement whatsoever.

VI. And be it also enacted and ordained by the Authority afore-said, That if it shall be found necessary, or expedient, to issue a Warrant to levy, by Distress and Sale, the Parish Taxes, or Arrears of Parish Taxes, due from any Parishioner or Inhabitant of any Parish in this Island *Antigua*, under or by virtue of the said in part recited Act, intituled, *An Act for more easily recovering Parish-Taxes, and the Arrears of Parish-Taxes*; it shall, in all cases, be sufficient, To mention or state the Sum or Sums of Money due for the Parish-Taxes or Rates, or for the Parish-Tax or Rate,—and the Arrears of any Parish-Tax or Rate, as the case may be, due,—from the Person against whom such Warrant is issued, and to authorize and command the Marshal, or his Deputy, to whom the said Warrant shall be directed, to levy the Sum or Sums of Money, in such Warrant mentioned to be due and owing, by Distress and Sale, in the manner directed and appointed in and by the said Act, intituled, *An Act for more easily recovering Parish-Taxes, and the Arrears of Parish-Taxes*, without any further or other Recital or Statements being necessary in such Warrant.

VII. And whereas in and by a certain Clause of another Act commonly called “THE TRANSIENT TAX ACT,”—intituled, *An Act supplementary to an Act for dividing the Island into Parishes*, which passed the thirteenth Day of *July*, one thousand seven hundred and ninety, and hath, since, been continued and revived, on the second Day of *November*, one thousand seven hundred and ninety-three, and on the seventh Day of *November*, one thousand seven hundred and ninety-six,—it is enacted and ordained, that every Master, or Supercargo, of every Ship or Vessel about to depart from this Island, shall, at some convenient short Time previous to the obtaining of the Clearance-outwards of such Ship or Vessel, repair to the acting Churchwarden of the said Parish of *Saint John*, and then and there give-in, on Oath, a just and true Account of the gross Amount of the Sales or Value of all the Goods, Wares, and Merchandizes, by them, respectively, imported for Sale, in such Ship or Vessel, in manner particularly directed by the said Act: And whereas it hath, or may prove at times productive of Delay, Hindrance, and other Inconveniency,—in case of the Sickness, or accidental Absence from this Island or the Town of *Saint John*, of such Churchwarden,—to such Masters or Supercargoes, when they are prepared to attend the said Churchwarden, to deliver in their Oath

as

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as aforesaid : For remedying, therefore, of such Delay or Inconvenience that may happen as aforesaid ; be it, therefore, enacted and ordained by the Authority aforesaid, That in case of such Absence, or Sickness, of the acting Churchwarden as aforesaid, every such Master or Supercargo, as aforesaid, may repair to, or attend any of His Majesty's Justices of the Peace for this Island, and give-in, on Oath, the same just and true Account of the Sales or Value of the Goods, Wares, and Merchandizes, in the like manner as he is thereby directed and required to give or deliver-in before the Churchwarden ; and such Oath and Account, so given-in to any Justice of the Peace as aforesaid, shall be deemed as valid and effectual, to all Intents and Purposes whatsoever, as if the same was given-in to the said Churchwarden ; any thing in the said Act, to the contrary thereof, in any wise notwithstanding.

In case of Churchwarden's Absence or Sickness, Master or Supercargo may make Oath, required by No. 469, S. 4. before Justice.

VIII. And whereas by the fourth Clause of the last recited Act, it was enacted and ordained, That the acting Churchwarden should be entitled to the Sum of three Shillings, and the Naval Officer to the Sum of one Shilling and six Pence, on each and every Vessel that clears out of the Port of *Saint John* : And whereas the said Sum of one Shilling and six Pence to be paid to the Naval Officer, and the said Sum of three Shillings to be paid to the acting Churchwarden, have been found to be inadequate to the Trouble of their respective Offices ; be it enacted and ordained by the Authority aforesaid, That, from and after the Publication of this Act, the acting Churchwarden shall be entitled to the Sum of eight Shillings and three Pence, and no more : and the Naval Officer to the Sum of four Shillings and one Penny Halfpenny, and no more, for the Clearance of every Vessel at their respective Offices ; any thing in the said Act contained, to the contrary thereof, in any wise notwithstanding.

Instead of Fees in No. 469, S. 4. Churchwarden's, on Clearance, to be 8s 3d; Naval Officer's, 4s. 1½d.

IX. And be it also enacted and ordained by the Authority aforesaid, That if any Action or Suit, shall be brought against any Person or Persons, for any Matter or Thing done in pursuance of this Act, or of the said Act, intituled, *An Act for more easily recovering Parish-Taxes, and the Arrears of Parish-Taxes*, it shall and may be lawful, to and for the Defendant or Defendants in such Action or Suit, to plead the General Issue, and to give the said Acts, or either of them, in Evidence : and if the said Plaintiff or Plaintiffs in such Action or Suit, should be nonsuited ; or discontinue such Action or Suit ; or, a Verdict shall be given for the Defendant or Defendants ; or Judgment shall be obtained against

Persons sued for executing Act may plead the General Issue, and give Act in Evidence.

Plaintiff to pay treble Costs.

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the Plaintiff or Plaintiffs by Default, Confession, Demurrer, or otherwise ; such Plaintiff or Plaintiffs shall pay treble Costs, to be recovered in like manner as Costs in other Actions or Suits.

Dated at *Saint Christopher's*, this fourth Day of *September*, in the Year of our Lord one thousand seven hundred and ninety-nine, and of His Majesty's Reign the thirty-ninth.

JAMES ATHILL, *Speaker*.

Passed the Assembly, this first
Day of *August*, one thousand
seven hundred and ninety-
nine.

Passed the Council, this first
Day of *August*, one thousand
seven hundred and ninety-
nine.

JOHN HILL,
Clerk of the Assembly.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

ROBERT (L. S.) THOMSON.

Published this tenth Day of *September*, one thousand seven hundred and ninety-nine.

JOHN ROBERTS, *Dep. Pro. Marshal.*

No. 537. **An Act** to extend the Provisions of an Act, made in general Council and Assembly of the Leeward Caribbee Islands, and passed in the Reign of Queen Anne, intituled, An Act for supplying the want of Fines and Recoveries in these Islands ; and for making any Deed or Deeds, duly executed and acknowledged before any of Her Majesty's Justices of the Court of Common Pleas in the Kingdom of *England* or *Ireland*, or of any of these Islands, equivalent to a Fine and Recovery, or Fines and Recoveries, duly and regularly levied and suffered in any of Her Majesty's Courts of Record at *Westminster*, by
declaring

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declaring the same Powers and Authorities, in ALL of the Justices of Her Majesty's Courts of King's Bench and of the Barons of the Exchequer in England or Ireland, for receiving the Acknowledgment of any Deed or Deeds executed before them, as are by the said recited Act vested in the Justices of the said Courts of Common Pleas, in the said two Kingdoms.

WHEREAS notwithstanding great Conveniency and other Advantages have, very often, resulted to the Proprietors of Lands, Tenements, Slaves, and other Hereditaments, situated in this Island, by means of the Act for supplying the want of Fines and Recoveries: yet such Conveniency and Advantages, have been, sometimes, found not so easy, direct, and ample, to Persons become Parties to Deeds necessary to be executed and acknowledged before some Justice of the Court of Common Pleas pursuant to the said Act, when such Parties happened to reside, either in *England* or *Ireland*, in Parts distant from the Metropolis of each Kingdom, and, by means of which, have been compelled to travel, at some considerable Share of Expense and Labour, to attend one of the Justices of the Court of Common Pleas, who generally reside in the Metropolis of each respective Kingdom to which their respective Courts are affixed: And whereas such Expense and Labour might be often diminished hereafter, and the general Intent of the said Act would be rendered more effectual, if all the Judges of His Majesty's three principal Courts of Common Law in each Kingdom, were vested with the *full and equal Power* for taking the Acknowledgment of Deeds, in lieu of levying Fines, and of suffering Common Recoveries, as is exclusively given to the Judges of the Common Pleas in the said Kingdoms, by reason that two Judges in each Kingdom will, twice in a Year at least, by travelling the Circuits be placed in Situations, at known Periods, at some near and more convenient Distance to the Habitations of all such Parties, who might happen to dwell at a great Distance from the Metropolis as aforesaid; We, therefore, Your Majesty's most dutiful, loyal, and obedient Subjects, the Commander-in-Chief in and over all Your Majesty's *Leeward Caribbee* Islands in *America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, most humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid

PREAMBLE.

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ACT.
Deeds—intended to pass Estate under Act of the Leeward Islands, No. 32—acknowledged before Justice of K. B. or Baron of Exchequer in England or Ireland; to be as valid, and Examination of the Parties as effectual, as if the Transaction were before Justice of C. P. in England or Ireland.

said, That, immediately from and after the Passing and Publication of this Act, any Deed or Deeds, made and entered into by Husband and Wife, or by Tenant in Tail general or special, or by any other Party or Parties by whom any Interest is intended to pass, by force and operation of the Act, intituled, *An Act for supplying the want of Fines and Recoveries in these Islands; and for making any Deed or Deeds, executed and acknowledged before any of Her Majesty's Justices of England or Ireland, or of any of these Islands, equivalent to a Fine and Recovery duly and regularly levied and suffered in any of Her Majesty's Courts of Record at Westminster*; dated at Nevis, the twenty-first Day of June, one thousand seven hundred and five, in the fourth Year of the Reign of Her Majesty Queen Anne; such Deed or Deeds may be executed and acknowledged, before any one of the Judges or Justices of His Majesty's Court of KING'S BENCH, or before any one of the Judges or Barons of His Majesty's COURT OF EXCHEQUER, either in the Kingdom of *England or Ireland*: and that every Examination or Examinations, Acknowledgment or Acknowledgments of the Party or Parties, subscribed by such Judge, Justice, or Baron, before whom he, she, or they did appear, shall be, to all Intents and Purposes whatsoever, as valid and effectual in Law to pass all and every Estate, Right, Title, and Interest, and Claim of the Party or Parties, and of each of them, to such Deed or Deeds, as if the same was or were executed and acknowledged before any of the Justices of the Court of Common Pleas, in either of the said Kingdoms, as directed by the herein-recited Act: any thing to the contrary thereof in any wise notwithstanding.

Dated at *Saint Christopher's*, the fourth Day of *September*, in the Year of our Lord one thousand seven hundred and ninety-nine, and of His Majesty's Reign the thirty-ninth.

JAMES ATHILL, *Speaker*.

Passed the Assembly, this first
of *August*, one thousand seven
hundred and ninety-nine.

Passed the Council, this tenth
Day of *June*, one thousand
seven hundred and ninety-
nine.

JOHN HILL,
Clerk of the Assembly.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

ROBERT (L.S.) THOMSON.

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Published, this tenth Day of *September*, one thousand seven hundred and ninety-nine.

JOHN ROBERTS, *Dep. Pro. Marshal.*

An Act for the Assize of Bread.

No. 538.

MADE PERPETUAL, by Act of 27th Nov. 1802, (No. 568.)

WHEREAS several Persons using the Business of common Bakers of Household Bread, taking the Advantage of the want of Laws for the due Assize of Bread, have sold that Article at most extravagant Prices, bearing no Proportion to the Prices given by them for the Flour of which such Bread is made; to the very great Oppression of the Poor: Therefore to prevent such Mischiefs in future; We, Your Majesty's most dutiful and loyal Subjects, the Commander-in-Chief of His Majesty's *Leeward Caribbee Islands in America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, do humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That from and immediately after the Publication of this Act, the Assize of Household Bread, and the Prices thereof within this Island, shall be as follows, that is to say:

When Wheaten Flour shall be sold at thirty-three Shillings the Barrel, current Money of this Island, according to the present Value of the current Money of *Antigua*; (as the general governing medium Price, in this Island, for a Barrel of Flour containing one hundred and ninety-six Pounds neat, Avoirdupois Weight, according to the Standard of Avoirdupois Weight of that Part of *Great Britain* called *England*; and so in proportion for any Barrel, Puncheon, or other Cask containing a greater, or a smaller Quantity of Flour than one hundred and ninety-six Pounds, Avoirdupois Weight;) then, the Loaf of wheaten Bread, commonly called the *Dog Loaf* or *three halfpenny Loaf*, (and which is the Sixth-part, in Value, of the Silver Piece of Money usually current, in this Island, by the Name of a *Bitt*, or Nine-penny Piece,) shall weigh, after being thoroughly and well baked, five Ounces, Avoirdupois Weight of sixteen Ounces to the Pound; and so in proportion, according to the Table following, that is to say:

When Wheaten Flour 33s. per Barrel, (the Barrel weighing 196lb. Standard English Avoirdupois) Weight of Dog Loaf to be 5oz. Avoirdupois. As Price varies, Weight to be proportionate, as in Table.

When

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TABLE.

When the Price of Wheaten Flour shall generally govern at the Prices following,—respectively contained in the Column, for that Purpose, drawn in the following Table,—as the average Prices in this Island; then, the Price of the *Dog* Loaf of Bread, according to the present Value of current Money of *Antigua*, shall be of the Weight in the Column or Columns in the same Table, for that Purpose, drawn, that is to say :

When the Price of a Barrel of } Wheaten Flour shall be }	£. s. d.	Then the Dog or three Half- } penny Loaf shall weigh	oz.
	2..9..6		4 $\frac{1}{4}$
Ditto Ditto.....	3..6..0	Ditto Ditto.....	3 $\frac{1}{4}$
Ditto Ditto.....	4..2..6	Ditto Ditto.....	3 $\frac{1}{4}$
Ditto Ditto.....	4.19..0	Ditto Ditto.....	3
Ditto Ditto.....	5.15..6	Ditto Ditto.....	2 $\frac{1}{2}$
Ditto Ditto.....	6.12..0	Ditto Ditto.....	2 $\frac{1}{2}$
Ditto Ditto.....	7..8..6	Ditto Ditto.....	2 $\frac{1}{4}$
Ditto Ditto.....	8..5..0	Ditto Ditto.....	2
Ditto Ditto.....	9..1..6	Ditto Ditto.....	2
Ditto Ditto.....	9.18..0	Ditto Ditto.....	1 $\frac{3}{4}$
Ditto Ditto.....	10.14..6	Ditto Ditto.....	1 $\frac{3}{4}$
Ditto Ditto.....	11.11..0	Ditto Ditto.....	1 $\frac{1}{2}$
Ditto Ditto.....	12..7..6	Ditto Ditto.....	1 $\frac{1}{2}$
Ditto Ditto.....	13..4..0	Ditto Ditto.....	1 $\frac{1}{2}$
Ditto Ditto.....	14..0..6	Ditto Ditto.....	1 $\frac{1}{4}$

President of Council, to summon Justice or Justices every *Monday* Morning; to average Flour, and fix Price of Bread.

II. And be it, and it is hereby enacted by the Authority aforesaid, That the President of the Council for the time being, shall summon, or cause to be summoned any one or more Justices of the Peace, to meet him at the Court-house in the Town of *Saint John*, every *Monday* Morning, for the Purpose of ascertaining the average Price of Flour during the preceding Week, and for regulating the Assize of Bread for the ensuing Week.

President, &c. to summon and examine two or more Flour-Merchants respecting Price of Flour preceding Week.

III. And be it, and it is hereby enacted by the Authority aforesaid, That the President, or the next senior Member of the Council, and one or more Justices of the Peace as aforesaid, are hereby authorized and directed to send for, and cause to appear before them at the Court-house, any two or more Merchants or respectable Dealers

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Dealers in Flour, and then and there to examine them, upon Oath, respecting the Prices of Flour during the preceding Week; and to administer, to the said Merchants or Dealers in Flour, the following Oath:

YOU, and each of you do swear, upon the Holy Evangelists of Almighty God, that you will give a just and true Account of the Price or Prices at which you have sold Flour by the Barrel of one hundred and ninety-six Pounds neat, or the Price or Prices at which you would have sold Flour as aforesaid, during the preceding Week.

Flour-Mer-
chant's
OATH.

SO HELP YOU GOD.

And in case any Merchant, or Dealer in Flour, shall refuse or neglect to appear at the Court-house as aforesaid, he shall forfeit a Sum not exceeding twenty Pounds for every such Offence; to be recovered as herein-after directed: Provided always, that he has been summoned, in Person, or by Notice in Writing left at his Dwelling-house by the Provost Marshal or his lawful Deputy, six and thirty Hours before the Sitting of the President and Justice or Justices of the Peace as aforesaid: and the Marshal, or his lawful Deputy, shall be entitled to receive from the Treasurer, the Sum of three Shillings, for every Magistrate, Merchant, or Trader, so summoned by him; and the Treasurer is hereby authorized and directed, to pay unto the Provost Marshal, or his lawful Deputy, all such Sums of Money as aforesaid, as shall be certified by the President, or the next senior Member of the Council, and Justice or Justices of the Peace as aforesaid.

Dealer in
Flour not ap-
pearing, to
forfeit 20/
mar. recover-
able as in S.
16.

—Provided
he were sum-
moned per-
sonally or by
Writing thir-
ty-six Hours
previous to
Sitting.

Marshal's Fee.

IV. And be it further enacted by the Authority aforesaid, That every Person who shall sell household Bread, at any Place within this Island, after the Passing and Publication of this Act, shall put his or her Stamp or Mark on every Loaf, so that it may appear thereon after baking.

Baker selling
household
Bread, to
stamp it.

V. And be it also further enacted by the Authority aforesaid, That from and after the Publication of this Act, no Person shall be allowed to sell Bread, in any Part of this Island, without a License first had and obtained from the Secretary's Office, to the following Effect:

Baker not to
sell without
License.

ANTIGUA. These are to certify that [] hath entered [his, her, or their] Name in the Secretary's Office of this Island, as a common Baker, with [his, her, or their] Baker's Mark [describing the Figures

FORM of Li-
cense.

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or

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or setting down the Letters of Mark] *which I attest, as* [Secretary or Deputy Secretary] of Antigua, *this* Day of *in the* Year of our Lord

No License to Slave.

VI. And be it enacted by the Authority aforesaid, That no License shall be granted to any Slave by the Secretary or Deputy Secretary of this Island.

Bakers selling Bread, to take-out License in S. 5. under Penalty of 20/.

Person failing to put Mark on Bread as described in License, to forfeit 10/.

Justice to seize and distribute Bread baked without License or not regularly marked: besides inflicting Penalties—
Proviso.

Penalty on deficiency of Ounce or more in Pound of Bread, for first Offence 10/.

VII. And be it enacted by the Authority aforesaid, That all Persons baking Bread for Sale, shall, within thirty Days after the Passing and Publication of this Act, take-out, as herein-before directed, a License from the Secretary's Office, under the Penalty of twenty Pounds for each Offence of omitting to take-out a License: and any Person or Persons refusing or neglecting to put his, her, or their Mark, as entered in the Secretary's Office and described in the License, so that it may appear upon the Bread after being baked, shall forfeit a Sum not exceeding ten Pounds, current Gold and Silver Money, for each such Offence; to be recovered, by Information, before a Justice of the Peace, who is hereby directed to commit the Person or Persons so offending to the Common-Jail, until the said Fine is paid into the Hands of the Treasurer of this Island; to be applied to the Payment of the Debts due by the Public of this Island: AND the said Justice of the Peace is hereby authorized and directed, to seize and distribute all Bread baked for Sale without a License, or improperly marked or stamped, besides inflicting the above mentioned Penalties upon the Party or Parties offending: PROVIDED that every such Information shall be made within forty-eight Hours, before one of His Majesty's Justices of the Peace, after the Offence is committed.

VIII. And be it, and it is hereby enacted by the Authority aforesaid, That if any Person or Persons shall offend, in the Assize of Bread, so as to be deficient one Ounce or more in a Pound of well baked Bread; then, the Person or Persons so offending, shall forfeit, for the first Offence, a Sum not exceeding ten Pounds;—and should the same Person or Persons offend more than once, against the Assize of Bread contained in this Act; the Fine, for the second Offence, shall be a Sum not exceeding thirty Pounds, current Gold and Silver Money;—and, for the third Offence, the Fine shall be a Sum not exceeding sixty Pounds, like Money, determinable as follows, that is to say; for the first Offence, when the Forfeiture shall not exceed ten Pounds, as aforesaid, before one Justice of the Peace; and for the

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the second and third Offences, when the Forfeitures shall exceed ten Pounds as aforesaid, then before two or more Justices of the Peace; all by Information, upon Oath, of one or more credible Witness.

IX. And be it also enacted by the Authority aforesaid, That no Person shall change such Mark as a common Baker, without License obtained, as aforesaid, anew; nor shall any Person use or take the same Mark as another common Baker hath; nor sell any Bread but what shall be marked with the Seller's proper Mark, under Penalty of forfeiting fifty Pounds, current Gold and Silver Money, for each Offence: AND if any Person shall sell Bread without a License as aforesaid, yet he, she, or they shall be liable, as a common Baker, with relation to the Assize of Bread, and other things imposed, by this Act, on or required by common Bakers: AND all such Bread unmarked, or fraudulently marked, shall be forfeited, by Order of any Justice of the Peace, to any Person seizing the same.

X. And be it enacted by the Authority aforesaid, That all Loaves of household Bread sold by Bakers, greater than the *Dog* or three-halfpenny Loaf, or of less Value, each Loaf, than a *Black-dog*, or three-halfpenny Piece, shall be, in weight, proportionable to the Assize herein-before established, and marked as aforesaid, under the Penalty aforesaid; and also that household Bread, made from Wheaten Flour or Meal in this Island, hereafter, whether in form of Rolls, Bricks, Biscuit, or in any other Shape, or under any other Denomination than Loaves, shall be deemed as Loaves, and judged of as such, to all Intents and Purposes as Loaves of Bread under this Act, and be properly marked, and be of the Weight required by this Act, under the Penalties aforesaid: Provided always, that no sweet Cakes, or sweet Buns, or Wigs, or Things commonly deemed Pastry Cook's Wares, shall come within this Act.

XI. And be it enacted by the Authority aforesaid, That any one or more Justices of the Peace, upon Complaint, Information, or reasonable Suspicion of Fraud, may, with Constables and others, enter or cause entry to be made, at any time in Day-light, into any public Baker's House, Shop, Store, or Out-house, whether a public Baker duly licensed, or using the Trade or Business unlicensed, and there search for, and order to be produced, and try, the Scales and Weights of such Bakers; and view their Marks; and may try the Composition and Weights of any Bread, there, ready made; and may break or destroy false Scales and Weights; and condemn defective or fraudulent Bread there found; and, in other respects, proceed against

Baker changing his Mark without License, or using another's Mark, or selling Bread not regularly marked; to forfeit 50%.

The Bread liable to Seizure.

Unlicensed Baker liable to Penalties.

Loaves greater or less than *Dog* Loaf to be proportionate to Assize.

Wheaten Rolls, Bricks, Biscuits, &c. deemed Loaves; to be marked and weigh as in Act.

Sweet Cakes and Pastry exempted.

Justice or Justices, on Complaint, or reasonable Suspicion, may search Premises of Baker licensed or unlicensed; examine Scales, &c.; Quality and Weight of Bread; &c.

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To fine, in 20%.
—and may also
commit to
Jail—Baker
not producing
them.

Vendor of
Bread imper-
fectly baked,
though weigh-
ing as much
or more than
Standard;
liable to Fine
as for light
Bread.

Vendor of
Bread made
of adulterated
or damaged
Flour; to for-
feit 20%.

Magistrate to
destroy such
Bread.

the Offenders as herein directed; and, upon Refusal or Denial, by any such Baker, immediately to produce the Bread then made, the Scales and Weights, and Mark, shall fine such Offenders twenty Pounds, current Gold and Silver Money, to be levied by Warrant of one or more Justices of the Peace as aforesaid; and may also commit the Offender to the Common-jail of this Island, until his, her, or their Bread, Scales, Weights, and Mark are produced.

XII. And whereas the Bakers of Bread for Sale, have been guilty of notorious Abuse of the Public, by vending Bread not sufficiently baked; by which means, a great Part of such Bread is unwholesome and not fit to eat, and is actually lost to the Purchasers; and moreover each Loaf weighs more than it would, if thoroughly and well baked, and consequently contains less Flour than it ought; in the room and stead of which, so much Water is sold as there is Flour wanting; be it, therefore, enacted and ordained by the Authority aforesaid, That all Persons who shall vend, or sell Bread not thoroughly and well baked, although the Loaves sold shall weigh according to the Standard or Table, inserted in this Act, for ascertaining the Weights of Bread, or more; the Makers and Sellers of such Bread shall be liable to all the Fines, Forfeitures, and Penalties of this Act, that they are made liable to by this present Act, for selling Bread weighing less than by the said Table is required; and shall and may be prosecuted before any Justice of the Peace, who is hereby empowered to hear, determine, and issue his Warrant for Levy of such Fines, and inflicting such Penalties fully and effectually.

XIII. And be it, and it is hereby enacted, That any Person or Persons, who shall sell or expose for Sale any Bread adulterated in any manner or ways, or in the Composition of which Bread, any unsound, damaged, or musty Flour shall have been used, shall forfeit the Sum of twenty Pounds, current Gold and Silver Money, to be recovered by Warrant of any Justice of the Peace: who is hereby directed to commit the Offender to the Common-jail until the said Fine is paid; and the said, or any Justice of the Peace, is hereby authorized to destroy all Bread so adulterated, or in the Composition of which, unsound, damaged, or musty Flour shall have been used.

XIV. And be it also enacted and ordained by the Authority aforesaid, That whenever any Person shall be convicted of any Offence against this Act, it shall be sufficient for the Justice, by or

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or before whom such Offender shall be convicted, to set forth and return such Conviction in the Form following, *videlicet* :

ANTIGUA. *Be it remembered That upon this [Day and Year] [A. B.] is convicted before me [C. D.] one of the Justices of our Lord the King, assigned to keep the Peace within the said Island, of selling (or exposing to Sale) [the Quantity] of Bread short of the Weight directed in and by a certain Act of this Island, intituled, An Act for the Assize of Bread; [or of not having affixed his, her, or their Mark upon Bread: sold by him, her, or them (as the case may require,) contrary to the Form and Effect of an Act, intituled, An Act for the Assize of Bread:] whereby the said [A. B.] hath forfeited the Sum of current Gold and Silver Money, to be levied in the Manner and Form directed in and by the said Act. In Witness whereof, I, the said Justice, have to this present Record of Conviction as aforesaid, set my Hand and Seal.*

FORM of Conviction.

XV. And be it enacted by the Authority aforesaid, That if any Person or Persons using the Business of a common Baker, shall employ any scorbutic or leprous Person in kneading of Dough, or baking of Bread, he, she, or they, so offending, shall, for every such Offence, forfeit and pay a Sum not exceeding twenty Pounds, nor less than five Pounds, current Gold and Silver Money; to be recovered before any one of His Majesty's Justices of the Peace for this Island, in manner herein-after mentioned.

Baker employing scorbutic or leprous Person in kneading, or baking; to forfeit 20*l.* max. 5*l.* min. recoverable as in S. 16.

XVI. And be it enacted by the Authority aforesaid, That all Fines, Penalties, and Forfeitures, imposed by this Act, and not particularly specified how to be levied, shall be levied, if amounting to or under twenty Pounds, current Gold or Silver Money, by Warrant under the Hand and Seal of one Justice of the Peace; and all Fines, Penalties, or Forfeitures exceeding twenty Pounds, Gold and Silver Money, by Warrant under the Hands and Seals of two or more Justices of the Peace, by Distress and Sale of the Offender's Goods; and for want of Goods whereon to levy, the Offender to be committed to the Common-jail, there to remain till the said Fine or Penalty, with all reasonable Costs and Charges thereon shall be fully paid and satisfied; and all Monies arising from Fines, laid and imposed by this Act, shall be paid into the Public Treasury of this Island, to be applied to the Payment of the Debts due by the Public.

Levy of Fines of 20*l.* or under, where not specified by Act, to be by Warrant of Justice; above 20*l.* by Warrant of Justices.

Fines under Act, to go into Treasury.

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By No. 568,
Act is perpe-
tual.

XVII. And be it enacted by the Authority aforesaid, That this Act shall continue and be in force for three Years from the Publication thereof, and from thence to the next Meeting of the Council and Assembly of this Island.

Dated at *Saint Christopher's*, the nineteenth Day of *December*, in the Year of our Lord one thousand seven hundred and ninety-nine, and of His Majesty's Reign the fortieth.

JAMES ATHILL, *Speaker*.

Passed the Assembly, this twenty-fourth Day of *October*, one thousand seven hundred and ninety-nine.

Passed the Council, this twelfth Day of *December*, one thousand seven hundred and ninety-nine.

JOHN HILL,
Clerk of the Assembly.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

ROBERT (L.S.) THOMSON.

Published this twenty-eighth Day of *December*, one thousand seven hundred and and ninety-nine.

JOHN ROBERTS, *Dep. Pro. Marshal.*

No. 539. *An Act to ascertain the Number of Acres of Land in this Island, and the Islands adjacent and thereto belonging, and the Quantities of Sugar, Rum, and Molasses annually produced therefrom; and for making a Public Record thereof; and for laying a small Tax thereon; and, applying the same.*

PREAMBLE.

WHEREAS an Act of this Island, intituled, *An Act to ascertain the Number of Acres of Land in this Island, and the Islands adjacent and thereto belonging; and the Quantities of Sugar and Rum annually produced*

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produced therefrom; and for making a Public Record thereof; and for laying a small Tax thereon; and, applying the same, dated at Saint Christopher's, the ninth Day of November, in the Year of our Lord one thousand seven hundred and ninety-six, and of His Majesty's Reign the thirty-seventh, did expire on the first Meeting of the Council and Assembly of this Island, after the ninth Day of November, in the present Year one thousand seven hundred and ninety-nine: And whereas it is highly expedient, that the Regulations prescribed, and the Information obtained, by virtue of the said Act, which were thereby carried down to the first Day of December, in the Year one thousand seven hundred and ninety-eight, should be continued and preserved unbroken, and that the Number of Acres of Land in this Island, and the Islands adjacent and thereto belonging, and the Quantities of Sugar, Rum, and Molasses annually produced therefrom, should be ascertained, and a Public Record thereof be made, as well for the Advantage which the Public in general may derive therefrom, as for the Satisfaction and Benefit which may thereby, eventually, accrue to absent Proprietors, Minors, and other Persons holding Plantations therein; and that for defraying the incidental Charges which may arise, in obtaining the Knowledge of the said Particulars, a small Tax should be imposed on such Lands, Sugar, Rum, and Molasses; We, therefore, Your Majesty's dutiful and loyal Subjects, the Commander-in-Chief of Your Majesty's Leeward Caribbee Islands in America, and the Council and Assembly of this Your Majesty's Island Antigua, humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That the Number of Acres of Land in this Island, and the Islands adjacent and thereto belonging, in Possession on the first Day of January, in the present Year one thousand seven hundred and ninety-nine, and the Quantities of Sugar, Rum, and Molasses produced therefrom, from the first Day of December, which was in the Year one thousand seven hundred and ninety-eight, inclusive, to the thirty-first Day of December, which will be in the present Year one thousand seven hundred and ninety-nine, inclusive; and that the Number of Acres of Land in Possession, on the first Day of January, in each Year subsequent thereto, and the Quantities of Sugar, and Rum, and Molasses produced therefrom, between the said first Day of January and the thirty-first Day of December both Days included, in each such Year, during the Continuation of this Act, shall be ascertained, and a Public Record thereof made, in Manner and

Act.
Number of
Acres in Antigua, and Dependencies in Possession 1st Jan. 1799, and Quantity of Produce from 1st Dec. 1798 to 31st Dec. 1799, and between 1st Jan. and 31st Dec. in each successive Year during Act; to be ascertained and recorded.

Annual Tax
on Land and
Produce.

Ten Days be-
fore 25th Jan.
1800; and ten
Days before
every subse-
quent 25. Jan.
during Act;
Treasurer to
dispatch Let-
ter to Justice
for every Di-
vision, con-
taining Notice
of Act and
blank Warrant
described.

and Form herein-after directed; and that the Taxes, hereby imposed upon such Lands, Sugar, and Rum, and Molasses, shall be annually raised, levied, and collected, and paid, that is to say, upon each Acre of Land, one Farthing, current Money; upon each hundred Weight of Sugar, one Penny, like Money; and for every hundred Gallons of Rum and Molasses, three Pence, like Money.

II. And for carrying this Act into Execution, be it enacted and ordained by the Authority aforesaid, That ten Days before the twenty-fifth Day of *January*, next ensuing the Date of this Act, and ten Days before the twenty-fifth Day of *January*, in each Year subsequent thereto, during the Continuation thereof, the Treasurer, or his lawful Deputy for the time being, shall apply himself, by Letter or otherwise, to one Justice of the Peace in each Division of this Island, and for want of a Justice in any such Division or Divisions, then to a Justice of the Peace in a neighbouring Division; (which last Justice shall act as herein-after directed;) and shall inform the said Justices of the Purport of this Act, and of the Duty thereby required of them; and the said Treasurer or his Deputy shall, at the Time of making such Application as aforesaid, furnish each such Justice with a Warrant ready drawn, with *Blanks* for Date, Place, and Hour of Appearance, requiring all Persons in such Divisions respectively, who are Owners or Possessors of any Lands or Sugar Plantations in this Island, or the Islands adjacent and thereto belonging, cultivated and carried on as such, to appear before such Justices respectively, on the said twenty-fifth Day of *January* next ensuing the Date of this Act, and, in like manner, on the twenty-fifth Day of *January* in each Year subsequent thereto, during the Continuation thereof, at such Places, in such Divisions, and at such Hour, as the said Justices shall respectively appoint, then and there to give an Account, upon Oath, of the Sugar, Rum, and Molasses which were by him, her, or them shipped, sold, paid away, or otherwise disposed of, from the first Day of *December*, which was in the Year one thousand seven hundred and ninety-eight, inclusive, to the thirty-first Day of *December*, which will be in the present Year one thousand seven hundred and ninety-nine, inclusive; and of the Number of Acres of Land, that were owned by, or in the Possession of such Person or Persons on the said first Day of *January*, which was in the present Year one thousand seven hundred and ninety-nine; and in like manner to appear on the twenty-fifth Day of *January*, in each Year subsequent thereto, then and there to give an Account, upon Oath, of the Number of Acres of Land, that

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that were owned by, or in the Possession of such Person or Persons, on the first Day of *January* in the Year immediately preceding *that* in which the said Account shall be sworn to, and of the Quantities of Sugar, Rum, and Molasses, which shall have been shipped, sold, paid away, or otherwise disposed of, between the said first Day of *January*, and the thirty-first Day of *December* in each such preceding Year, both Days included: AND any such Justice, being unable to attend from Sickness or otherwise as aforesaid, is to give Notice, to any other Justice in the said Division, or in any neighbouring Division, of such Inability, and shall furnish such Justice with the blank Warrant, and other Papers received from the Treasurer, or his lawful Deputy as aforesaid; and, upon such Notice, and Receipt of such Papers, the Justice to whom the same shall be given or sent, shall attend at the proper Time and Place, and take the Accounts hereby directed, and shall, in all other respects, act, and be considered as one of the Justices, to whom the Application aforesaid shall be made by the Treasurer, or his lawful Deputy.

Justice unable to attend to furnish neighbouring Justice with his Warrant and Papers.

Latter Justice to attend and take the Accounts as if originally applied to by Treasurer.

III. And be it, and it is hereby enacted and ordained by the Authority aforesaid, That when the Treasurer, or his Deputy, furnishes the several Justices with the blank Warrants hereby directed, he shall, at the same time, furnish each of them with a blank Form for taking the Accounts, by this Act directed to be taken; which Form shall be divided into several Columns, specifying the several Particulars hereby required to be given, by the Persons summoned as aforesaid: Provided always, that if the twenty-fifth Day of *January* in any Year ensuing the present Year, one thousand seven hundred and ninety-nine, and during the Continuation of this Act, shall happen to fall on a *Sunday*, the Accounts hereby directed to be taken in each Year, touching the Number of Acres of Land, and the Quantities of Sugar, Rum, and Molasses, shall be taken and sworn to on the twenty-sixth Day of *January* in each such Year; any thing in this Act, to the contrary thereof, in any wise notwithstanding.

Treasurer furnishing Justices with Warrants, to send also Form for taking the Accounts.

When 25th Jan. falls on Sunday, Accounts to be taken on 26th.

IV. And be it enacted and ordained by the Authority aforesaid, That to every Person summoned to appear on the twenty-fifth Day of *January* next ensuing the Date of this Act, to give such Accounts as are herein directed, and possessing any such Lands as aforesaid, the following Oath shall be administered, that is to say:

YOU do swear, that you will, without Fraud or Deceit, give a just and true Account, to the best of your Knowledge, of the Number of Acres

OATH of Person summoned 25th Jan. 1800.

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Acres of Land in this Island, or the Islands adjacent and thereto belonging, which you were possessed of, in your own Right, or in the Right of any other Person or Persons, on the first Day of January, which was in the Year one thousand seven hundred and ninety-nine, and of all Sugar, Rum, and Molasses that were shipped, sold, paid away, or otherwise disposed of, from such Lands between the first Day of December, which was in the Year one thousand seven hundred and ninety-eight, and the thirty-first Day of December, in the Year one thousand seven hundred and ninety-nine, now last past, both Days included; and that you will truly answer all such Questions, as by me, shall be asked of you, concerning such Lands, Sugar, Rum, and Molasses, for the Taxes of which you are liable by an Act, intituled, An Act to ascertain the Number of Acres of Land in this Island, and the Islands adjacent and thereto belonging, and the Quantities of Sugar, Rum, and Molasses annually produced therefrom; and for making a Public Record thereof; and for laying a small Tax thereon; and, applying the same.

V. And be it, and it is hereby enacted and ordained by the Authority aforesaid, That to every Person summoned to appear on the twenty-fifth, or twenty-sixth Day of January, which will be in the Year one thousand eight hundred and one, and on the twenty-fifth or twenty-sixth Day of January, (as the case may be,) in each Year subsequent thereto, to give such Accounts as are herein directed, and possessing any such Lands as aforesaid, the following Oath shall be administered, that is to say :

OATH of Person summoned on 25th or 26th Jan. in subsequent Year.

YOU do swear that you will, without Fraud or Deceit, give a just and true Account, to the best of your Knowledge, of the Number of Acres of Land in this Island, or the Islands adjacent and thereto belonging, which you were possessed of in your own Right, or in the Right of any other Person or Persons, on the first Day of January which was in the Year now last past, and of all Sugar, Rum, and Molasses that were shipped, sold, paid away, or otherwise disposed of, from such Lands, between the said first Day of January, in the Year now last past, and the thirty-first Day of December, in the said Year, both Days included; and that you will truly answer all such Questions as, by me, shall be asked of you, concerning such Lands, Sugar, Rum, and Molasses, for the Taxes of which you are liable by an Act of this Island, intituled, An Act to ascertain the Number of Acres of Land in this Island, and the Islands adjacent and thereto belonging, and the Quantities of Sugar, Rum, and Molasses annually produced therefrom; and for

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for making a Public Record thereof; and for laying a small Tax thereon; and, for applying the same.

VI. And be it, and it is hereby enacted and ordained by the Authority aforesaid, That in the Accounts hereby directed to be given, of the Number of Acres of Land in this Island, and the Islands adjacent and thereto belonging, the Name and Names of the Division or Divisions, in which the same are situated, shall be particularly specified, and the Number of Acres of Land comprised in each Sugar Plantation, cultivated and carried on as such, and thereto annexed and considered as Part thereof, shall be distinctly and separately given-in, from the Number of Acres not cultivated or carried on for the Purpose of producing Sugar, Rum, and other Molasses; and the Number of Acres of Land commonly called COUNTRY LAND, and the Names of the real Grantees thereof, or of their present Heirs holding the same, shall in like manner be given-in separately and distinctly from all other Lands whatever.

VII. And be it, and it is hereby enacted and ordained by the Authority aforesaid, That in the Accounts hereby directed to be given-in, of the Quantities of Sugar, Rum, and Molasses annually produced and made, from the Lands in this Island, and the Islands adjacent and thereto belonging; whenever it shall so happen that any Part of the Sugar, Rum, and Molasses, to be given-in as aforesaid, shall have been made in different Years, although not shipped, sold, paid away, or otherwise disposed of in the Year in which the same was made, such Sugar and Rum shall be separately and distinctly given-in, so that the Produce of the different Years may be compleatly ascertained, and kept apart from each other.

VIII. And be it, and it is hereby enacted and ordained by the Authority aforesaid, That each of the said Justices so applied-to by the Treasurer, or his Deputy, as by this Act is directed, is hereby required to take the said Accounts on the Days herein-before appointed, and to make a Return thereof into the Treasurer's Office of this Island in the particular Form furnished by the said Treasurer or his Deputy, within five Days after taking the same, under the Pain of forfeiting the Sum of fifty Pounds, current Money, to be levied, recovered, and applied as herein-after mentioned; and the said Justices, who shall by virtue of this Act take such Accounts, shall be sworn to their own Lands, Sugar, Rum, and Molasses, before the Treasurer, or his Deputy, at the Time such Justices shall make such Returns, or within five Days after, and the Treasurer, or his Deputy, are hereby required to swear such Justices; and each such

Account to specify Name of Division.

Acres cultivated as Sugar Plantation to be separated in Account.

Distinct Form of Account for Country Land.

Sugar, Rum, and Molasses made in different Years, to be separated in Account.

Justice applied-to to take Accounts, to make Return in five Days into Treasurer's Office.

Justices to be sworn, as to their own Lands, before Treasurer, at time of making Returns.

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Justice shall, at the same time, return the Warrant by him issued, with a List thereon, in Writing, of the Names of all those summoned, subscribed and sworn to by the Constable, before the said Justice, and certified by him.

Affirmation
of Quaker to
be taken.

Wilful and
false Swearing
or Affirming
punishable as
Perjury by
English Laws.

Justice to sig-
nify, in Re-
turns to Treas-
urer, all De-
faults of Ap-
pearance.

Treasurer to
summon De-
faulters, to
account, on
Oath, at time
by him ap-
pointed, not
exceeding ten
Days from
Return.

Treasurer, on
Defaulter's
not appearing
to his Sum-
mons (on
Constable
making Oath
of its Service
forty-eight
Hours pre-
viously) to ap-
ply to Justices.

Justices to is-
sue Warrant.

Defaulter not
appearing to
Justices' War-
rant,

IX. And be it, and it is hereby enacted and ordained by the Authority aforesaid, That in all Cases, wherein by this Act an Oath is required to be made and taken, the solemn Affirmation of any Person being a Quaker, shall and may be taken in lieu thereof; and every Person required, by this Act, to make an Oath, or Affirmation, who shall be convicted of wilful and false Swearing, or of wilful and false Affirming, shall incur and suffer such and the same Pains, Penalties, and Forfeitures, as are inflicted and imposed, by any Law or Statute of that Part of *Great Britain* called *England*, upon Persons convicted of wilful and corrupt Perjury.

X. And be it, and it is hereby enacted and ordained by the Authority aforesaid, That if any Person or Persons shall neglect or refuse to appear, on the Days herein-before mentioned, and at the Places and Times to be appointed by the said Justices respectively, the said Justices, and each of them, in whose Division such Neglect or Refusal shall happen, are and is to signify the same, in their or his Returns or Return, to the Treasurer, or his Deputy; who is hereby required and directed to issue out Warrants, to the Constables of the respective Divisions wherein the Defaulter or Defaulters shall reside, requiring him, her, or them to appear before him, or his Deputy,—at a certain Day and Place to be by him appointed for that Purpose, not exceeding ten Days after receiving, all the Returns of such Defaulters, from the said Justices,—to give an Account, upon Oath, of their Lands, Sugar, Rum, and Molasses, in manner and form as aforesaid; at which Time and Place if the said Defaulter or Defaulters shall neglect to appear, and Oath be made before the Treasurer, or his Deputy, by the Constable, that the said Defaulters, and each of them, were duly summoned,—at least forty-eight Hours before the Time appointed for his, her, or their Appearance before the Treasurer,—either in Person, or by leaving Notice in Writing, at his, her, or their last Place of Abode; the Treasurer, or his lawful Deputy, shall apply to any two of His Majesty's Justices of the Peace for this Island; and such Justices, upon Proof of such Notice as aforesaid, shall issue their Warrant to bring before them, the Person or Persons so neglecting or refusing to appear and swear as aforesaid; and if such Person or Persons shall, then, refuse to give an Account upon Oath, before the Treasurer or

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or his said Deputy, of their Lands, Sugar, Rum, and Molasses, as herein-before mentioned, the said Justices shall commit him, her, or them to the Common-Jail of this Island, there to remain without Bail or Mainprize, until he, she, or they shall submit to be examined and account upon Oath as aforesaid; and such Defaulter or Defaulters, shall also pay all such Costs and Charges, as shall have been incurred by such Apprehending and Commitment.

rant, to be committed.

Defaulter to pay all Costs.

XI. And be it, and it is hereby enacted and ordained by the Authority aforesaid, That the Constables shall summon the Inhabitants, in their respective Divisions, at least forty-eight Hours before the Time prescribed for their Attendance; and, for each Person so summoned and sworn-to as aforesaid, the said Constables shall receive the Sum of Sixpence, out of the Public Treasury of this Island; which the Treasurer or his lawful Deputy is hereby required to pay: and the said Warrants, with the Lists thereon subscribed and sworn-to as herein-before directed, with the respective Constables' Receipts thereto, shall, to the said Treasurer, or his Deputy, in passing his Public Accounts, be sufficient Vouchers for the Sums therein specified.

Constables to summon Inhabitants forty-eight Hours, *min.* previously.

Constable's Fee.

To be paid from Treasury.

XII. And whereas many Persons may neglect to attend the Justices, on the Days, and at the Places appointed, to give an Account of their Lands, Sugar, Rum, and Molasses as aforesaid; and may chuse rather to swear to the same before the Treasurer, or his Deputy, whereby great and unnecessary Trouble will be brought upon him, and Interruption given to the Business of his Office: To prevent therefore such Practice; be it hereby enacted and ordained by the Authority aforesaid, That every Person who shall swear, before the Treasurer or his Deputy, to his Lands, Sugar, Rum, and Molasses, as required by this Act, shall pay the Sum of four Shillings and Sixpence, current Money of this Island; and the said Treasurer, or his Deputy, is hereby authorized and empowered to demand and receive the same: PROVIDED ALWAYS, that all Persons who shall be Defaulters, and not attend the Justices as hereby required, and who, upon being summoned to appear before the Treasurer, or his Deputy, shall prove to the Satisfaction of the Treasurer, or his Deputy, that such Non-attendance was owing to Sickness; such Person or Persons shall be, and hereby is and are exempted from paying the said Sum of four Shillings and Sixpence.

Persons electing to swear before Treasurer, instead of Justices; to pay Fee of 4s. 6d.

Persons proving that Sickness occasioned their Non-attendance before Justices, exempt from Fee.

XIII. And be it, and it is hereby enacted and ordained by the Authority aforesaid, That no Oath shall be admitted to be taken, concerning the Lands, Sugar, Rum, and Molasses to be sworn-to, as

Oath to be made by Owner, Occupier, or Possessor of Land,

Land, being the Person having Benefit of Produce: unless under Age, sick, disabled, or absent: in which Case, Executor, Attorney, or Manager, may make the Oath, &c.

Taxes under Act on Lands in Possession 1st Jan. 1799, and on Produce during Period stated, to be paid 25th May, 1800.

Taxes under Act on Lands in Possession and Produce in each subsequent Year, to be paid on 25th May ensuing Day on which they are sworn-to.

On failure in paying Taxes according to Act; Treasurer, in ten Days after Taxes

as directed by this Act, but by the Person or Persons who are the Owners, Occupiers, or Possessors of the Lands, and for whose Benefit and Advantage the Sugar, and Rum, and Molasses to be sworn-to, shall have been made, unless such Owners, Occupiers, or Possessors, be Infants, or Sick, or unable to travel, or not upon the Island, or the Islands adjacent and thereto belonging; and such Infancy, Sickness, Inability, or Absence be first proved, on Oath, before such Justice or Justices, or the Treasurer, or his lawful Deputy; in which case the Executor, Attorney, Manager, or any other competent Person, having the Care and Direction of the Lands of such Infant, sick, disabled, or absent Person, and having had also the Disposal of the Sugar, Rum, and Molasses made for his, her, or their Benefit and Advantage, shall be admitted to give the Accounts aforesaid, upon Oath: but such Accounts shall be taken and inserted, in the Name and Names of the proper Owner and Owners, specifying, in the Returns thereof, the Names of the Party or Parties who swore thereto.

XIV. And be it, and it is hereby enacted and ordained by the Authority aforesaid, That the Taxes hereby imposed, upon Lands in Possession on the first Day of *January* now last past, and the Taxes hereby imposed upon Sugar, Rum, and Molasses shipped, sold, paid away, or otherwise disposed of, between the first Day of *December*, which was in the Year one thousand seven hundred and ninety-eight, and the thirty-first Day of *December*, in the present Year one thousand seven hundred and ninety-nine, both Days included,—shall be paid into the Treasurer's Office, in Gold or Silver current Money, on or before the twenty-fifth Day of *May* next ensuing the Date of this Act: and that the Taxes hereby imposed, upon Lands in Possession on the first Day of *January* in each Year subsequent to the present Year, one thousand seven hundred and ninety-nine,—and upon the Sugar, Rum, and Molasses shipped, sold, paid away, or otherwise disposed of, from such Lands between the said first Day of *January* and the thirty-first Day of *December*, in each Year subsequent to the present Year, one thousand seven hundred and ninety-nine,—shall be paid into the Treasurer's Office in like Money, on the twenty-fifth Day of *May* in each Year, next ensuing the Day on which the same shall be sworn-to as aforesaid.

XV. And be it, and it is hereby enacted and ordained by the Authority aforesaid, That if any Person or Persons, liable to pay the Taxes hereby imposed upon Lands, Sugar, Rum, and Molasses, shall refuse or neglect to pay the same, at the Times, and in the Manner,

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Manner, herein-before respectively appointed for Payment thereof; the Treasurer of this Island for the time being, or his lawful Deputy, shall, and is hereby required, empowered, and directed, within ten Days after such Taxes shall become due and payable as aforesaid, to issue a Warrant, under his Hand and Seal of Office, directed to the Provost Marshal of this Island, or his Deputy, requiring and commanding him to levy such Taxes on the Goods, Chattels, and Slaves of such Defaulter or Defaulters: and the Provost Marshal, or his Deputy, is hereby required to execute the said Warrant, and to make a Return thereon, within thirty Days after the Date thereof: and in case the Provost Marshal, or his Deputy, shall neglect or refuse to execute the said Warrant, and a Return thereof to make, within the Time hereby limited, the said Provost Marshal, or his Deputy, shall forfeit the Sum of one hundred Pounds, current Money: and the Treasurer, or his Deputy for the time being, is hereby authorized and required to issue a Warrant, under his Hand and Seal of Office, directed to the Coroner of this Island, requiring and commanding him to levy the said Sum of one hundred Pounds, upon the Goods, Chattels, Slaves, Lands, and Tenements of the said Provost Marshal, or his Deputy, and to sell the same, in the manner herein-after directed for the Sale of the Goods, Chattels, and Slaves levied-on by the Provost Marshal, or his Deputy.

Taxes due, to
issue Warrant
to Marshal for
Levy and Sale
of Defaulter's
Goods, Chat-
tels, and
Slaves.

Marshal fail-
ing to execute
Warrant, or
to make Re-
turn; to for-
feit 100%.

XVI. And be it, and it is hereby enacted and ordained by the Authority aforesaid, That all Goods, Chattels, and Slaves, which shall be levied-on by the Provost Marshal, or his Deputy, by virtue of the Warrant from the Treasurer, or his lawful Deputy, as aforesaid, shall be sold by him, at Public Outcry, to the best Bidder, for ready Gold and Silver Money, within ten Days after the Time of Levy, at such Town in this Island as the Person levied-on shall request: and if no Request for that Purpose shall be made before carrying-away from the Place of Levy; then the Goods, Chattels, or Slaves levied-on, shall be sold at such Town as the Treasurer, or his Deputy, shall direct: and the Provost Marshal, or his Deputy, shall cause Publication of such intended Sale, to be advertised in some one of the Newspapers of this Island, at least five Days before the Sale,—and the Sum or Sums of Money arising by such Sale, shall apply to the Payment of the Taxes imposed by this Act, and all Charges attending such Levy and Sale; and shall return the Overplus (if any) to the Person or Persons by Law entitled thereto.

Marshal to
make Sale, at
Public Out-
cry, of Pro-
perty levied-
on, in ten
Days, at such
Town as Per-
son levied-on
shall request,
&c.

Marshal to
advertise Sale
in Newspaper,
at least five
Days before.
To apply
Produce to
pay Taxes
and Charges.
To return
Overplus.

XVII.

If Goods, Chattels, Slaves, insufficient; Treasurer to issue Warrant for Levy on Lands, Tenements, Rents, Annuities and Hereditaments of Defaulter; &c.

Sale by Treasurer, acknowledged and registered; good for such Estate as Owner could convey.

To bar Estates Tail, &c.

For want of real Property, Defaulter to be imprisoned till Payment of Taxes and Costs.

Treasurer not enforcing Clause, accountable out of his own Estate: but may reimburse himself by Levy on Defaulter.

If not supplied by Defaulter, Marshal to impress Carts, &c. to remove Property levied-on.

Marshal to pay for Carts, &c. as agreed, or as Justice shall determine; to be reimbursed from Sale.

XVII. And be it, and it is hereby enacted and ordained by the Authority aforesaid, That in case, upon issuing such Warrant for Levy, by the Treasurer, or his lawful Deputy, sufficient Goods, Chattels, or Slaves of any Person to be levied-on cannot be found; then, it shall be lawful for the Treasurer, or his Deputy, to cause, in manner herein-before directed, the said Taxes to be levied upon the Lands, Tenements, Rents, Annuities, and Hereditaments of such Person,—and the said Lands, Tenements, Rents, Annuities, and Hereditaments to sell at public Outcry, as herein-before directed in cases of Goods, Chattels, and Slaves; and a Sale executed by the Treasurer, or his Deputy, and acknowledged before the Register of Deeds of this Island, or his Deputy for the time being, and duly registered in the Register's Office of this Island, shall be good for such Estate as the Owner could lawfully convey: and if such Owner should be Tenant in Tail, the same shall be sufficient to bar all Estates Tail, and Remainders, and Reversions thereon expectant: AND for want of such Lands, Tenements, Rents, Annuities, and Hereditaments, the Treasurer, or his Deputy, is and are hereby respectively empowered and required, by a Warrant to the Provost Marshal or his Deputy, to cause such Person or Persons to be imprisoned, in the Common-jail of this Island, until such Taxes, and all incidental Charges and Costs shall be fully paid: and in default of so doing the Treasurer, or his Deputy, shall be accountable for and pay out of his own Estate, all and every Sum and Sums of Money not so duly levied, and raised: but yet, nevertheless, the said Sum and Sums of Money may be, afterwards, levied, at any time or times, on the Defaulters, and their respective Estates, to reimburse the Treasurer for what he shall have been obliged to pay out of his own Estate.

XVIII. And be it, and it is hereby enacted and ordained by the Authority aforesaid, That if, upon a Levy being made by the Provost Marshal or his Deputy, he shall not be supplied by the Person levied-on with Carts, Carriages, Horses, Mules, Slaves, and Cattle, or so many thereof as may be necessary to carry away what shall be levied-on; then, the Provost Marshal, or his Deputy, may, without further Authority, hire, take, or impress so many Carts, Carriages, Horses, Mules, Slaves, and Cattle as may be necessary to carry the same to the Place of Sale; and, when there, to pay such reasonable Hire, as any Justice of the Peace for this Island may determine, if not otherwise agreed upon, for what Carts, Carriages, Horses, Mules, Slaves,

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No. 539.

A. D. 1799.

Slaves, and Cattle shall be so employed; to be again repaid out of the Sales of the Things levied-on.

XIX. And be it, and it is hereby enacted and ordained by the Authority aforesaid, That the several Taxes to be raised by virtue of this Act, shall remain as a Charge upon the Goods, Chattels, Slaves, Lands, Tenements, Hereditaments, Rents and Annuities, in this Island and the Islands adjacent and thereto belonging, of the Person or Persons liable to pay the same, against all other Persons whatsoever, into whose Hands soever they shall come, from the Days such Taxes shall first become due, until the same are fully paid and satisfied: and when any Person or Persons liable to pay the same, shall hereafter happen to die, before the same are fully paid and satisfied as aforesaid, the personal Estates of such Persons are hereby made chargeable therewith, and his, her, or their Executors or Administrators are to pay the same, prior to any Debt or Debts whatsoever, due or to be due to any Subject, whether by Judgment, Execution, or otherwise, on pain of paying the Amount thereof out of their own Estates; which, in such case, shall be, and hereby are made liable to be levied-on and sold, in the manner hereby directed on Persons neglecting or refusing to pay their Taxes as aforesaid; the Debt being hereby declared to have preference to all others; and the Payment thereof shall be sufficient, in Law, to discharge the said Executors or Administrators for that Amount against all other Demands; and for want of such personal Estates of the said deceased, the Slaves, Lands, and Tenements, Hereditaments, Rents, and Annuities belonging to him, her, or them, shall be levied and sold in the same manner, as if levied-on and sold for Taxes due from other Persons.

XX. And be it, and it is hereby enacted and ordained by the Authority aforesaid, That the several Sums of Money raised by virtue of this Act, shall be applied to the Payment of the incidental Charges which may arise in collecting the same, and the Remainder, if any, to pay other public Charges and Debts.

XXI. And be it, and it is hereby enacted and ordained by the Authority aforesaid, That it shall be in the Power of the Governor, or Commander-in-Chief, of the *Leeward* Islands for the time being,—and, in his Absence, the Lieutenant-Governor of this Island, and in his Absence, the President of His Majesty's Council for the said Island,—with the Consent of the Council and Assembly of the same, to remit to any Person or Persons whom they shall think proper, all

Taxes under Act to be Charge upon Goods, &c. Lands, &c. into whose Hands soever passing:

to be Charge upon Personal Estates of Persons dying.

Executors, &c. to pay Taxes under Act prior to Debt to Subject, on pain of accounting out of their own Estates.

For want of personal, real Property of deceased to be levied-on and sold.

Revenue under Act, to be applied, first, to Charges of Collecting. Remainder to Public Charges.

Commander-in-Chief of *Leew.* I. and, in his Absence, acting Governor, with Consent, &c. may remit Taxes under Act.

Persons petitioning for such Remittances, not to pay Fees.

Treasurer after Circular Application to Justices as in S. 2. to advertise, in Newspapers, Particulars prescribed by Act.

Treasurer may retain, for collecting Revenue under Act, 2*l.* 10*s.* per Cent.

Marshal may retain, out of Levies under Act, 10 per Cent.

Treasurer, on Returns being received and compleated, to enter them, in alphabetical Order, in Book or Books set-apart.

In such Books, the Particulars in Clause to be specified.

or any of the Taxes laid by virtue of this Act, and Persons petitioning for such Remittances, shall not pay any Fees, either to the Deputy-Secretary of the Council, or to the Clerk of the Assembly, for passing their Petitions.

XXII. And be it, and it is hereby enacted and ordained by the Authority aforesaid, That immediately after applying to the Justices in each Year, as herein-before directed, the Treasurer, and his Deputy, shall, and is hereby required to cause Advertisements to be inserted, in all the Public Newspapers of this Island, at the Public Expense, setting-forth the Day on which the Lands, Sugar, Rum and Molasses are to be sworn-to, as directed by this Act; and the Taxes to be raised, collected, and paid thereon, by virtue thereof; and the Time when the same are to become due and payable; and the Penalties, in case of Non-payment thereof at the Times hereby particularly directed.

XXIII. And be it, and it is hereby enacted and ordained by the Authority aforesaid, That it shall and may be lawful for the said Treasurer, or his Deputy, to take and retain, to and for his own Use, a Recompense for the additional Trouble brought upon him by this Act, at and after the Rate of two Pounds ten Shillings *per Centum*, for all and every Sum and Sums of Money, collected according to the Directions of this Act: and that it shall and may be lawful for the said Provost Marshal, or his Deputy, to retain in his Hands, to and for his own Use and Benefit, out of the Sums, by him, levied for, and received by virtue of this Act, at and after the rate of ten *per Centum*, on the respective Amounts of the several Sums, by him levied for and collected as aforesaid.

XXIV. And be it, and it is hereby enacted and ordained by the Authority aforesaid, That immediately after the several Returns of Lands, Sugar, Rum and Molasses, by this Act directed to be taken, by the Justices in the several Divisions, and by the Treasurer, or his Deputy, shall be received and compleated in the Office of the latter; the same shall be, particularly and exactly, copied, in alphabetical Order, into a proper and sufficient Book and Books, to be by the said Treasurer, or his Deputy, from time to time found and provided; in which, shall be specified the Names of the Justices who took the said Returns; and the Names of the Divisions in which the same were respectively taken; and the Names of the Persons swearing to the said Lands, Sugar, and Rum, either belonging to themselves or to other Persons; and the particular Number of Acres of Land by each Person respectively sworn-to,

as

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as being comprised in each Sugar Plantation, cultivated and carried on as such, and thereto annexed and considered as Part thereof; and the particular Number of Acres of Land, not cultivated and carried on for the Purpose of producing Sugar, and Rum; and the particular Number of Acres of Land commonly called Country Land; and of the Quantities of Sugar, Rum, and Molasses, in Pounds and Gallons, by each Person, in like manner, sworn-to: which Copies, in the said Book and Books, so soon as the same shall be made and examined, shall be, each Year, subscribed by the said Treasurer, or his Deputy, as true Copies of the original Returns of Lands, Sugar, Rum and Molasses for that Year; and if the said Treasurer, or his Deputy, shall neglect or refuse to make such Copies, in manner and form aforesaid, he shall forfeit the Sum of five hundred Pounds, current Gold and Silver Money, to be recovered, with full Costs of Suit, by Action of Debt, or Information, in any Court of Record in this Island; in which no Protection, Essoign or Wager of Law shall be allowed; one Moiety whereof shall go and be paid unto the Person who shall sue for the same; and the other Moiety shall be paid into the Treasury of this Island, and applied towards defraying the Public Debts and Charges thereof.

Copies entered in Books to be annually attested by Treasurer.

Treasurer not entering such Copies, to forfeit 500l;—recoverable by Action or Information; half to Prosecutor; half to Public Treasury.

XXV. And be it, and it is hereby enacted and ordained by the Authority aforesaid, That the said Book and Books, shall constantly remain in the Treasurer's Office of this Island, and shall not be removed or taken therefrom, unless by the Order of some Court of Law or Equity, in this Island, for the Purpose of inspecting the same, under the Penalty of one hundred Pounds, current Gold and Silver Money, to be recovered in the manner herein-before directed; and if any Alterations, Erasures, or Obliterations shall be made in, or to any Writing, in the said Book, with an Intent to mislead or deceive any Person or Persons, who shall have occasion to inspect the same, or to take a Transcript or Transcripts therefrom, the Person or Persons convicted of such Offence, shall suffer the Pains and Penalties inflicted in Cases of Forgery by the Common Law of England.

Said Book and Books not to be removed from Treasurer's Office, unless by Order of Court, under Penalty of 100l.

Alterations in Books for the purpose of Deception punishable as Forgery in England.

XXVI. And be it, and it is hereby enacted and ordained by the Authority aforesaid, That it shall and may be lawful to and for any Person or Persons in the usual Office Hours, to examine all or either of the said Books, and to demand and receive Copies or Extracts therefrom, to be certified by the Treasurer, or his lawful

Persons generally may examine said Books in Treasurer's Office, and have Copies or Extracts, on paying

paying similarly to the Fees in Register's Office.

Deputy, and delivered as soon as conveniently may be, upon Payment, by the Person or Persons so searching, or requiring such Copies or Extracts, of such Fees as are charged by the Register of Deeds of this Island for the like Business in his Office.

Fines under Act, of which the specific Recovery has not been directed, to be recovered as in Clause.

Application of Fines.

Treasurer to prosecute.

XXVII. And be it, and it is hereby enacted and ordained by the Authority aforesaid, That all Penalties and Fines, imposed by this Act, and not herein-before directed how to be levied and recovered, shall be recovered in the Name of His Majesty, His Heirs and Successors, or in the Name of the Treasurer of the Island of *Antigua* for the time being, in any Court of Record in the said Island, by Information, or Action of Debt, with full Costs of Suit; and to be determined by the Court where the same shall be first commenced, without being liable to be removed from thence by *Certiorari* or otherwise, except by a Writ of Error; to the Use of His Majesty's Heirs and Successors, to be paid into the Hands of the said Treasurer for the time being, and to be applied towards the defraying the Public Debts and Charges: and the said Treasurer for the time being is hereby required, at the Public Expense, to prosecute, without further Orders, all and every Person or Persons incurring any such Fine or Penalty.

Act a Public Act.

XXVIII. And be it, and it is hereby enacted and ordained by the Authority aforesaid, That this Act shall be deemed, adjudged, and taken to be a Public Act; and shall be judicially taken Notice of as such by all Judges, Justices, and Jurors, and other Persons whomsoever, without specially pleading, or shewing-forth the same.

Act to be in force for seven Years, and till the Houses meet.

XXIX. And be it, and it is hereby enacted and ordained by the Authority aforesaid, That this Act shall be, and continue in force, from the Date thereof for the Space of seven Years, and, from thence, to the next Meeting of the Council and Assembly of the said Island of *Antigua*.

Dated at *Saint Christopher's*, the nineteenth Day of *December*, in the Year of our Lord one thousand seven hundred and ninety-nine, and of His Majesty's Reign the fortieth.

JAMES ATHILL, *Speaker*.

Passed

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Nis. 539, 540.

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Passed the Assembly, this fifth
Day of *December*, one thou-
sand seven hundred and
ninety-nine.

Passed the Council, this twelfth
Day of *December*, one thou-
sand seven hundred and nine-
ty-nine.

JOHN HILL,
Clerk of the Assembly.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

ROBERT (L. S.) THOMSON.

Published this twenty-eighth Day of *December*, one thousand
seven hundred and ninety-nine.

JOHN ROBERTS, *Dep. Pro. Marshal.*

An Act to revive and continue an Act, intituled, An Act No. 540.
supplementary to an Act, intituled, An Act for
dividing the Island into Parishes and Maintenance
of Ministers and Poor, and erecting and repairing
Churches, made and passed the fourth Day of July,
in the Year of our Lord one thousand seven hundred
and ninety-two.

WHEREAS an Act, intituled, *An Act supplementary to an Act,* PREAMBLE.
intituled, An Act for dividing the Island into Parishes, and Maintenance
of Ministers and Poor, and erecting and repairing Churches, dated the No. 469.
thirteenth Day of July, in the Year of our Lord one thousand seven
hundred and ninety, and afterwards revived and continued by an Act,
intituled, *An Act to revive and further continue An Act supplementary to*
an Act, intituled, An Act for dividing the Island into Parishes, and
Maintenance of Ministers and Poor, and erecting and repairing Churches,
dated the second Day of November, one thousand seven hundred and No. 490.
ninety-three, and afterwards revived and continued by one other
Act, dated the seventh Day of November, one thousand seven hun- No. 514.
dred and ninety-six, intituled, *An Act to revive and continue an Act*
supplementary to an Act, intituled, An Act for dividing the Island into
Parishes,

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No. 540.

A. D. 1799.

ACT.
No. 469 re-
vived for se-
ven Years and
till the Houses
meet.

Clause of In-
demnity to
Churchwar-
den.

Parishes, and Maintenance of Ministers and Poor, and erecting and repairing Churches, made and passed the fourth Day of *July*, in the Year of our Lord one thousand six hundred and ninety-two, together with the last mentioned Acts for the Revival and Continuance thereof, have lately expired: And whereas it is expedient, that the said supplementary Act should be revived and further continued; We, therefore, Your Majesty's loyal and obedient Subjects, the Commander-in-Chief in and over all Your Majesty's *Leeward Caribbee* Islands in *America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That the said first mentioned Act be revived and further continued, in full force and virtue for the Space of seven Years from the Date hereof, and, from thence, to the next Meeting of the Council and Assembly of this Island.

II. And whereas *David King*, the present acting Churchwarden for the Parish of *Saint John*, hath continued to act under the said Act, as if the same had not expired; be it, and it is hereby enacted and ordained by the Authority aforesaid, That the said acting Churchwarden, his Heirs, Executors, Administrators, or Assigns, shall be, and are hereby well and sufficiently saved, kept harmless and indemnified by, from, and against all and all manner of Actions and Suits, Losses, Costs, Damages and Expenses, whatsoever, which he may bear, pay, or sustain for or by reason of his having so acted.

Dated at *Saint Christopher's*, the nineteenth Day of *December*, in the Year of our Lord one thousand seven hundred and ninety-nine, and of His Majesty's Reign the fortieth.

JAMES ATHILL, *Speaker*.

Passed the Assembly, this twelfth
Day of *December*, one thousand
seven hundred and ninety-
nine.

Passed the Council, this twelfth
Day of *December*, one thou-
sand seven hundred and nine-
ty-nine.

JOHN HILL,
Clerk of the Assembly.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

ROBERT (L. S.) THOMSON.

ISLAND OF ANTIGUA.

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40th GEO. III.

Nis. 540, 541.

A. D. 1799.

Published, this twenty-eighth Day of *December*, one thousand seven hundred and ninety-nine.

JOHN ROBERTS, *Dep. Pro. Marshal.*

An Act supplementary to an Act, intituled, An Act for No. 541. constituting a Court Merchant.

WHEREAS by an Act, dated at the Town of *Saint John*, the eleventh Day of *September*, one thousand seven hundred and seventeen, intituled, *An Act for constituting a Court Merchant*, altered and amended and made perpetual by an Act, dated at the Town of *Parham*, the thirteenth Day of *July*, in the Year of our Lord God, one thousand seven hundred and nineteen, intituled, *An Act to alter and amend an Act, intituled, An Act for constituting a Court Merchant*, Transient-persons may sue, and be sued in manner and form therein particularly mentioned; but no Actions or Suits can be commenced or prosecuted, under or by virtue of the said Act, where the Amount or Value of the Debt or Demand exceeds the Sum of one hundred Pounds, by reason whereof the Remedy provided by the said Act, for and against Transient-persons is of little or no Use; We, therefore, Your Majesty's most loyal and obedient Subjects, the Commander-in-Chief of Your Majesty's *Leeward Caribbee* Islands in *America*, and the Council and Assembly of Your Majesty's Island *Antigua*, humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That from and after the Publication of this Act, all Actions of *Debt*, or *Case*, for Goods, Wares, or Merchandizes, sold in this Island *Antigua*, may be commenced and prosecuted in the manner directed in and by the said Act, although the Amount or Value of the Debt or Demand, exceed the said Sum of one hundred Pounds; any thing in the said Act, to the contrary thereof, notwithstanding.

PREAMBLE.
No. 158.

No. 165.

ACT.
Actions of
Debt or on
the Case for
Merchandize
sold in *Anti-
gua*, may be
prosecuted in
Court Mer-
chant, under
No. 158,
though De-
mand exceed
100l.

II. And whereas since the Passing of the said Acts, Courts of *King's Bench* and *Common Pleas*, held for different Precincts in this Island, have been discontinued; and one Court of *Common Pleas* only is held for the said Island; be it therefore also enacted and ordained by the Authority aforesaid, That all such Acts, Matters, and Proceedings as are in and by the said Acts, or either of them, di-
rected

Chief Justice
and Justices of
C. P. to dis-
charge

40th GEO. III.

No. 541.

A. D. 1799.

charge the
Duties as-
signed, by No.
158 and No.
165, to Jus-
tices of Pre-
cincts.

rected to be done or had, by or before the Chief Judge of the said Island *Antigua*, or by any assistant Justice or Justices of any Precinct in the same, shall or may be done or had by or before the Chief Justice of the Court of *Common Pleas* held for this Island, and any assistant Justice or Justices of the said Court.

Process in
Court Mer-
chant, where
not directed
by Acts; to be
assimilated to
Process in
C. P.

Justices of
C. P. may
make further
Rules for
Court Mer-
chant.

III. And be it also enacted and ordained by the Authority aforesaid, That in all Cases, where the particular Process or Proceedings are not directed by the said Acts, or either of them, the Process and Proceedings shall be as nearly conformable to the Practice and Proceedings of the said Court of *Common Pleas* as Circumstances will permit; and the Justices of the said Court of *Common Pleas*, or the major Part of them, shall and may, from time to time, make such further Rules and Orders for regulating the Practice and Proceedings in Courts Merchant, as they in their Discretion shall think proper.

Dated at *Saint Christopher's*, the thirty-first Day of *December*, in the Year of our Lord one thousand seven hundred and ninety-nine, and of His Majesty's Reign the fortieth.

JAMES ATHILL, *Speaker*.

Passed the Assembly, this twelfth
Day of *December*, one thou-
sand seven hundred and nine-
ty-nine.

Passed the Council, this twelfth
Day of *December*, one thou-
sand seven hundred and nine-
ty-nine.

JOHN HILL,
Clerk of the Assembly.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

ROBERT (L. S.) THOMSON.

Published, this twelfth Day of *January*, one thousand eight hundred.

JOHN ROBERTS, *Dep. Pro. Marshal*.

40th GEO. III.

No. 542.

A. D. 1800.

An Act to regulate the Gauge of Madeira Wine and Wines of the Growth of the Western Islands. No. 542.

WHEREAS the Inhabitants of this Island have, frequently, suffered great Impositions from Traders selling Wine, of the Growth of *Madeira* and the *Western Islands*, in Pipes, some of which gauge but ninety Gallons, and few, above one hundred and five Gallons: To prevent, therefore, the like Injustice for the future; We, Your Majesty's most loyal and obedient Subjects, the Commander-in-Chief of Your Majesty's *Leeward Caribbee Islands* in *America*, and the Council and Assembly of Your Majesty's Island of *Antigua*, humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That, from and after the Publication of this Act, Wines of the Growth of *Madeira*, and the *Western Islands*, which shall be sold within this Island, shall be sold in Casks of the Contents following, that is to say, In Pipes, gauging one hundred and ten Gallons each; or Hogsheads, gauging fifty-five Gallons each; or Quarter-casks, gauging twenty-seven Gallons each: AND, in order to prevent all Disputes concerning the ascertaining the Contents of a Gallon, within the Intention of this Law; be it also enacted by the Authority aforesaid, That any Vessel containing one hundred and ten Gallons, *Gallons* to be admeasured by the common gauging Rod now used in this Island, shall be deemed and taken a Pipe; and fifty-five *such* Gallons be deemed a Hogshead; and twenty-seven *such* Gallons shall be deemed a Quarter-cask, in this Island, from the Publication hereof.

PREAMBLE.

ACT.
Madeira and Western Island Wines, to be sold in Pipes, Hogsheads, or Quarter-casks gauging the Number of Gallons in Clause.

II. And be it enacted by the Authority aforesaid, That from and after the Publication hereof, when Wines of the Growth of *Madeira*, or the *Western Islands*, imported into this Island, are landed, the Importer of such Wines shall apply to some sworn Gauger, before they are offered to Sale, and procure all his Casks intended for Sale to be gauged by such sworn Gauger, and the Contents of each Cask to be marked on the Bulge; and obtain a Certificate from such Gauger, mentioning the Mark, Number, and Contents of each Cask; which Certificate shall be returned, in forty-eight Hours after such gauging, by the Importer, to the Treasurer of this Island, and, at the same time, the Gauger shall attend, and swear to the Truth of the said Certificate; and the Treasurer is hereby empowered

Importer of *Madeira or Western Island Wines, to apply to sworn Gauger, to measure Casks; mark Contents, &c.*

Certificate to be returned.

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No. 542.

A. D. 1800.

Gauger's Fee
4s. 6d. per
Cask.

Importer to
pay 20s. for
every Gallon
short of Stand-
ard in S. 1.

Importer wil-
fully having
Wines un-
gauged forty-
eight Hours
after landing,
to forfeit 10/
per Cask.

Commander-
in-Chief of
Leeward
Islands and
Legislature of
Antigua, to
appoint
Gauger.

GAUGER'S
OATH.

If Gauger
sick or absent,
Chief Com-
mander may
appoint tem-
porary Gau-
ger; to be
also sworn.

ered and required to pay four Shillings and Sixpence, current Gold and Silver Money, to the Gauger, for every Cask that, it shall appear from the Certificate, he has gauged.

III. And be it enacted by the Authority aforesaid, That for every Gallon deficient, either in Pipe, Hogshead, or Quarter-cask, of the said Wines imported and gauged, according to the Standard hereinbefore described and required, the Importer shall forfeit and pay twenty Shillings, current Money of this Island.

IV. And be it enacted by the Authority aforesaid, That if the Importer of any of the Wines aforesaid, shall wilfully neglect to have his Wines gauged, within forty-eight Hours after landing, he shall forfeit and pay ten Pounds, for each Cask landed and not gauged, within the Time aforesaid.

V. And be it enacted by the Authority aforesaid, That a Gauger shall from time to time be nominated by the Captain-General, or Commander-in-Chief, of the *Leeward Caribbee* Islands for the time being, and the Council and Assembly of this Island; and such Gauger, before he shall enter upon the Execution of his Office, shall take the following Oath, before the Treasurer or his lawful Deputy.

I [A. B.] do swear, that I will to the best of my Skill, without any wilful Neglect or Delay, gauge all Pipes, Hogsheads, and Quarter-casks of Wines, either the Growth of Madeira, or the Western Islands, that I may be called upon to gauge by any Importer of such Wines, allowing one hundred and ten Gallons, to be admeasured by the common gauging Rod now used in this Island, to be a Pipe; and fifty-five such Gallons to be a Hogshead; and twenty-seven such Gallons to be a Quarter-cask in this Island; and a true Certificate of the Mark, Number, and Contents of each Cask, to make and swear-to, before the Treasurer of this Island.

SO HELP ME GOD.

VI. And be it enacted by the Authority aforesaid, That, in case of the Sickness or Absence from this Island of such sworn Gauger, it shall and may be lawful for the Commander-in-Chief of this Island for the time being, to appoint another Gauger in the room of such sick or absent Gauger, who shall act in his stead during the Sickness or Absence of such sworn Gauger and no longer; and such Person, so appointed, shall not presume to act until he takes the Oath aforesaid.

VII.

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No. 542.

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VII. And be it further enacted by the Authority aforesaid, That, from and after the Publication hereof, it shall and may be lawful for the Receiver or Collector of the Impost in this Island—his Agents—the Informer or Discoverer—(by virtue of a Warrant from any of His Majesty's Justices of the Peace, for that purpose first obtained; which Justice is hereby empowered to issue such Warrant, upon a proper Oath being made, before him, that there is probable Cause to suspect that such Wines are secreted)—with one Constable, or more—in the daytime to search all manner of Houses, Cellars, Warehouses and Shops, or any other suspected Places, for such Wines as they, or any of them, shall be informed were carried thither to be concealed, contrary to the true Intent and Meaning of this Act: and such Wines, so found, which were imported under the *Gauge* before-mentioned, shall be forfeited, the two-third Parts thereof to His Majesty, His Heirs and Successors; and the other third Part thereof to the Informer or Seizer, to his own proper Use and Behoof: and all manner of Persons are hereby required, to be aiding and assisting to the Receiver—his Agents—the Informer or Discoverer—and Seizers of such Wines: and such Seizures shall be prosecuted in any Court of Admiralty, or any Court of Record, in this Island.

Collector of Customs, Collector's Agents, Informant, (having Warrant, obtained by Oath, before Justice, of, Cause for Suspicion,) may with Constable, search any Premises for concealed Wines.

Wines, found imported under *Gauge*, to be forfeited.

Application of Forfeiture.

VIII. And be it enacted by the Authority aforesaid, That all the Fines and Forfeitures aforesaid, incurred for any Breach or Breaches of this Act, either by the Importer of the Wines aforesaid, or by the sworn Gauger, shall and may be recovered before any two Justices of the Peace in this Island, upon Complaint made to them by the Treasurer, or Information given them by any other Person; which Justices are hereby authorized and required, to summon and call before them, any Person or Persons against whom such Complaint shall be made; and to hear and determine, by Examination on Oath, the Merit of such Complaint or Information: and if the Party offending shall refuse or neglect to pay, within forty-eight Hours after the Determination of such Complaint or Information, the Fine or Forfeiture imposed by this Act, it shall and may be lawful for such Justices of the Peace, to issue their Warrant, in the nature of an Execution, and direct it to the Provost Marshal of this Island, or his lawful Deputy, to seize upon the Goods and Chattels of all such Person or Persons, who shall so refuse or neglect, and them to sell as in case of an Execution at Common Law: and in case no Goods or Chattels shall be shewn by such Person or Persons complained against, then to take and commit him, her, or them to

Fines under Act to be recovered before Justices, on Complaint by Treasurer, or Information by any other Person.

Justices to summon and examine on Oath Party complained against.

If Fine not paid in forty-eight Hours, Warrant to issue for Levy on Goods, &c.

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the Common-jail of this Island, till such Fines and Forfeitures, and all Costs incident to the hearing and determining the Complaint, and consequent thereto, shall be fully paid.

Application of
Fines.

IX. And be it enacted by the Authority aforesaid, That all Fines and Forfeitures incurred by this Act, and not herein-before applied, shall be paid into the Hands of the Treasurer, or his lawful Deputy, to be applied to the Use of the Forts and Fortifications of this Island.

Dated in *Antigua*, the eighth Day of *March*, one thousand eight hundred.

JAMES ATHILL, *Speaker*.

Passed the Assembly, this twelfth
Day of *December*, one thou-
sand seven hundred and nine-
ty-nine.

Passed the Council, this twen-
tieth Day of *February*, one
thousand eight hundred.

JOHN HILL,
Clerk of the Assembly.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

ROBERT (L. S.) THOMSON.

Published, this tenth Day of *March*, one thousand eight hundred.

JOHN ROBERTS, *Dep. Pro. Marshal.*

No. 543.

ABSORBED in
later Act of
Revival of 30th
March, 1803.
(No. 573.)
See Act of 6th
Sept. 1788,
(No. 456,)
with Notices
of Alterations.

An Act for further continuing an Act, intituled, An Act for laying certain Duties on Licenses, to be taken out by all Persons acting as Tavern Keepers, Punch-house Keepers, or Retailers of Wines, Rum, or other Liquors; and imposing Duties on Rum, Cordial Waters, and other Strong Waters sold by Retail; and for applying the same.

WHEREAS an Act, intituled, *An Act for laying certain Duties on Licenses, to be taken out by all Persons acting as Tavern Keepers, Punch-*
house

ISLAND OF ANTIGUA.

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No. 543.

A. D. 1800.

house Keepers, or Retailers of Wines, Rum, or other Liquors; and imposing Duties on Rum, Cordial Waters, and other Strong Waters sold by Retail; and for applying the same; dated at Antigua, the sixth Day of September, in the Year of our Lord one thousand seven hundred and eighty-eight; and continued and amended by an Act, intituled, *An Act for continuing and amending an Act for laying certain Duties on Licenses, to be taken out by all Persons acting as Tavern Keepers, Punch-house Keepers, or Retailers of Wines, Rum, or other Liquors; and imposing Duties on Rum, Cordial Waters, and other Strong Waters sold by Retail; and for applying the same*, dated at Antigua, the twenty-third Day of October, in the Year of our Lord one thousand seven hundred and eighty-nine; and revived, continued, and amended by an Act, intituled, *An Act for reviving, continuing, and amending an Act, intituled, An Act for laying certain Duties on Licenses, to be taken out by all Persons acting as Tavern Keepers, Punch-house Keepers, or Retailers of Wines, Rum, or other Liquors; and imposing Duties on Rum, Cordial Waters, and other Strong Waters sold by Retail; and for applying the same*, dated at Antigua, the fourteenth Day of January, in the Year of our Lord one thousand seven hundred and ninety-one; and revived, amended, and further continued, by an Act, intituled, *An Act for reviving, continuing, and amending an Act, intituled, An Act for laying certain Duties on Licenses, to be taken out by all Persons acting as Tavern Keepers, Punch-house Keepers, or Retailers of Wines, Rum, or other Liquors; and imposing Duties on Rum, Cordial Waters, and other Strong Waters sold by Retail; and for applying the same*, dated at Saint Christopher's, the twenty-second Day of April, in the Year of our Lord one thousand seven hundred and ninety-six; and further continued by an Act, intituled, *An Act for continuing an Act for laying certain Duties on Licenses to be taken out by all Persons acting as Tavern Keepers, Punch-house Keepers, or Retailers of Wines, Rum, or other Liquors; and imposing Duties on Rum, Cordial Waters, and other Strong Waters sold by Retail; and for applying the same*, dated at Saint Christopher's, the fifth Day of April, in the Year of our Lord one thousand seven hundred and ninety-nine; will expire at the Meeting of the Council and Assembly of this Island, next after the fifth Day of the Month of April, in the present Year of our Lord one thousand eight hundred, unless further continued; We, therefore, Your Majesty's loyal and obedient Subjects, the Commander-in-Chief for the time being, in and over all Your Majesty's Leeward Caribbee Islands in America, and the Council and Assembly of this Your Majesty's Island Antigua, do humbly pray Your Most Excellent Majesty,

No. 456.

No. 462.

No. 474.

No. 508.

No. 534.

40th GEO. III.

Nis. 543, 544.

A. D. 1800.

No. 456.

Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That the said first mentioned Act, and also all and every Clause and Sections contained in all or any of the said other Acts herein-before mentioned, whereby the said first mentioned Act is altered, added to, or amended, shall be continued; and the same are hereby continued in full force for the Space or Term of *one Year* from the Date of this Act, and, from thence, to the next Meeting of the Council and Assembly of this Island.

Dated at *Antigua*, the eighth Day of *March*, in the Year of our Lord one thousand eight hundred, and of His Majesty's Reign the fortieth.

JAMES ATHILL, *Speaker*.

Passed the Assembly, the sixth
Day of *March*, one thousand
eight hundred.

Passed the Council, the sixth
Day of *March*, one thousand
eight hundred.

By Command,

JOHN HILL,
Clerk of the Assembly.

WILLIAM MATHEWS,
Deputy Secretary.

ROBERT (L. S.) THOMSON.

Published this tenth Day of *March*, one thousand eight hundred.

JOHN ROBERTS, *Dep. Pro. Marshal.*

No. 544.
OBSOLETE.

An Act to ascertain the total Number of Negro Slaves in this Island, and the total Number of Births and Deaths, (on an Average of the last three Years,) distinguishing what Proportion, of those that died, were born within this Island, or had been imported more than three Years before the Passing and Publication of this Act.

Dated 12th *April*, 1800.

40th GEO. III.

No. 545.

A. D. 1800.

An Act for repealing certain Clauses in an Act, intituled, No. 545.
An Act to alter, revive, and amend an Act, intituled,
an Act to alter and amend An Act, intituled, An Act
for regulating the Militia of this Island; and for the
further Regulation of the said Militia; and fixing
and appointing the Times when Martial Law shall
be in force in this Island; and declaring and esta-
blishing Rules and Articles of War for the better
Government of the said Militia at those Times; and
for amending the said first mentioned Act.

WHEREAS by certain Clauses in an Act, intituled, *An Act to alter, revive, and amend an Act, intituled, An Act to alter and amend an Act, intituled, An Act for regulating the Militia of this Island; and for the further Regulation of the said Militia; and fixing and appointing the Times when Martial Law shall be in force in this Island; and declaring and establishing Rules and Articles of War, for the better Government of the said Militia, at those Times,* it is enacted and declared, that the Fines for the Non-attendance of the Militia on monthly Field Days, shall be collected from the Delinquents by the Provost Marshal, or his lawful Deputy: And whereas Inconveniencies have arisen from the Regulations introduced by the said Clauses, and it is now become expedient to repeal the same, and to make supplemental Provisions to the said first mentioned Act; We, therefore, your Majesty's most loyal and obedient Subjects, the Commander in Chief of your Majesty's *Leeward Caribbee Islands in America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, that the twelfth, thirteenth, fourteenth, fifteenth, and sixteenth Clauses of the said first mentioned Act shall, from and after the Publication hereof, be, and the same are hereby repealed.

PREAMBLE.

ACT.
 S. 12. 13. 14.
 15. 16. of No.
 485, repealed.

II. And be it enacted and ordained by the Authority aforesaid, That the Adjutants of the several Corps of Militia shall, at the Meeting of their respective Corps in the Field, on the next Field-day thereof which shall happen after the Publication of this Act, and so on every Field-day thereafter to happen, deliver to the Colonel, or Commanding-Officer in the Field, a Report in Writing, of the several

Adjutant on
 each succes-
 sive Field-day,
 to deliver to
 Commanding-
 officer in the
 Field, Report
 of Defaulters,
 in preceding
 Field-day, dis-
 tin-

tinguishing
Defaulters, in
a State of Ser-
vitude.

Adjutant to
make Oath
that his Report
is truly copied
from Returns.

Report to be
read.

On Defaulters
(in Service)
not delivering
Excuse as in
Clause; Com-
manding-offi-
cer to grant
Treasurer
Certificate,
stating Parti-
culars, and
authorizing
Treasurer to
charge Fines
to Defaulters'
Employers.

Commanding-
officer to grant
Adjutant
other Certifi-
cate of De-
faulters not in
Servitude,
stating Parti-
culars, and
authorizing
Adjutant to
demand their
Fines.

several Defaulters of such Corps on the last monthly Field-day; distinguishing in such Report Persons living in the Employ of others, whether Apprentices, indented Servants, or others upon Wages, together with the Names of their Employers or Masters; which Report shall specify the particular Offence of each Defaulter, and shall be sworn-to by the said Adjutant before the said Colonel, or Commanding-officer, (who is hereby authorized and empowered to administer the said Oath,) that the said Report is a true and faithful Copy, of the several Returns of Absentees or Defaulters to him made by the Officers commanding the several Troops or Companies in such Corps on the preceding Field-day: and such Colonel, or Commanding-officer in the Field, on the Day when such Report shall be made, shall order the same to be read by the Adjutant, (and in case of his Absence by any other Officer,) at the Head of the respective Companies or Troops to which such Defaulter or Defaulters shall belong: and if any or all of the said Defaulters, being present, shall not then deliver a sufficient Excuse for his or their Offence or Offences, as reported by the Adjutant; or, if any or all of the said Defaulters, being absent when the said Report shall be read, shall not have sent sufficient Excuse or Excuses, in Writing and upon Oath, for his or their Offence or Offences as aforesaid; then such Colonel, or Commanding-officer in the Field as aforesaid, is hereby required to grant a Certificate in Writing, directed to the *TREASURER* of this Island, containing the Names of those Defaulters so living in the Employ of others, whether Apprentices, indented Servants, or others upon Wages, and the Amount of the Fines incurred by them, and the Time when they were so incurred, together with the Nature of the Default, authorizing the said *Treasurer* to charge the Amount of such Fines to the Person or Persons in whose Service or Employ the said Defaulter shall then live: and the said Certificate, so signed as aforesaid by the Colonel, or Commanding-officer in the Field, shall be unto the said *Treasurer*, a good and sufficient Voucher, for making, in the public Books, the aforesaid Charges. AND the said Colonel, or Commanding-officer in the Field, is hereby further required to grant one other Certificate in Writing, directed to the *ADJUTANT* of the said Corps, containing the Names of all such other Defaulters mentioned and contained in the Report made to him, and not included in the Certificate directed to the *Treasurer*, and the Amount of the Fines incurred by them, together with the Nature of the Default, authorizing and directing the said Adjutant, to demand, without Delay, all such Fines so included in the List directed to him: and the Colonel, or Commanding-

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manding-officer in the Field, is hereby ordered and directed to send or deliver, the aforesaid two Certificates to the Treasurer and to the Adjutant, within three Days after the Report shall have been read in the Field as aforesaid: and if any Defaulter, named in the said Certificate directed to the said Adjutant, shall refuse, on sight thereof and on Demand being made by the Adjutant, to pay his or their Fine or Fines; such Adjutant shall, and is hereby commanded, immediately to make the same known, to the Colonel, or other Commanding-officer of the Corps, who is hereby authorized and required, forthwith to issue a Warrant under his Hand and Seal, directed to any Constable living within the Verge of his Corps, empowering him to levy double the said Fine or Fines on the respective Goods and Chattels of the said Defaulter or Defaulters; and, on such Levy being made, immediately to proceed to the Sale of such Goods and Chattels at any Town nearest the Place where such Levy shall be made; and the Sum or Sums of Money arising by such Sale to apply, to the Payment of such double Fine or Fines, and all Charges attending such Levy and Sale, and to return the Overplus (if any) to the Person or Persons on whom such Levy shall have been made: and in case sufficient Goods and Chattels, belonging to the said Defaulter or Defaulters, cannot be found whereon to levy as aforesaid; the said Warrant shall further authorize the said Constable, to apprehend the said Defaulter or Defaulters; and he or they, so apprehended, shall be by the said Colonel, or Commanding-officer, committed to the Common-jail of this Island, by Warrant under his Hand and Seal, directed to the Provost Marshal, or his Deputy, who is hereby required, on sight of the said Warrant, to receive such Defaulter or Defaulters, and him or them in the said Jail to keep and detain, until ordered to discharge him or them as herein-after mentioned: and when the said Defaulter or Defaulters, shall have paid to the Adjutant, his or their respective double Fine or Fines as aforesaid, and all Fees due to the said Constable, Provost Marshal, or his Deputy, the Adjutant of the Corps to which the Defaulter or Defaulters shall belong, shall, immediately, report the same to the Colonel, or Commanding-officer, who is hereby required, without Delay to send a Release, under his Hand and Seal, for such Defaulter or Defaulters; which shall be a full Justification to the said Provost Marshal, or his Deputy, for releasing such Defaulter or Defaulters.

III. Provided always, and it is hereby enacted and ordained, That when the Colonel, or Commanding-officer, shall incur any Fine or Fines for Non-attendance, or improper Appearance, on monthly

Said two Certificates to be delivered in three Days after Adjutant's Report.

Defaulters named in Adjutant's Certificate refusing to pay Fines, to Adjutant shewing Certificate; liable to double Fines.

Payment to be compelled as in Clause.

Distress.

Imprisonment.

Release, on Payment.

Colonel or Commanding-officer refusing to pay Fine, or not making

making Excuse as in Clause; to be reported by Adjutant to Chief Resident-Commander, &c.

Field-days, and shall refuse to pay such Fine or Fines; or shall refuse or neglect to make a sufficient Excuse,—for such Non-attendance, or improper Appearance,—to the Officer commanding in the Field, or next in command to such Colonel or Commanding-officer, when such Fine or Fines were incurred,—within the Time allowed to other Defaulters for paying their Fines, or making Excuses; the Adjutant of the Corps to which such offending Colonel, or Commanding-officer, shall belong, shall report the same to the Person being in chief Command in this Island for the time being, who shall, and is hereby required, to issue a Warrant, under his Hand and Seal, authorizing and commanding the said Adjutant, to proceed against such Colonel, or Commanding-officer, for his said Fine or Fines, in the same manner as a Constable is, by this Law, authorized to proceed against other Defaulters in the like Case.

Treasurer, every 16th October and 16th April, to issue written Order to each Adjutant, to attend (Appointment to be within ten Days,) with Account on Oath of Fines received and not received.

Treasurer to deduct Fine, which in his Opinion might have been recovered, from Pay of Adjutant.

Treasurer, if of Opinion that all recoverable

IV. And whereas the good Effects intended and expected from this Act, will, in a great measure, depend upon the Assiduity and Activity, of the Adjutants of the several Corps of Militia, in exacting from all Defaulters Payment of Fines hereby imposed; and it is, therefore, absolutely necessary to compel the said Adjutants to do their Duty; be it enacted and ordained by the Authority aforesaid, That, at the Expiration of six Months after the Publication of this Act, and at the Expiration of every six Months after, during the Continuation thereof, the Treasurer of this Island, or his lawful Deputy, shall issue a written Order to the Adjutants of each Corps of Militia, requiring their Attendance, at a certain Place and Hour, on some Day to be in the said Order specified, and, within ten Days after the Date of such Order, to meet the said Treasurer, and to bring with them an Account in Writing, of such Fines incurred and directed to be demanded by each of them, distinguishing such as have been received, from those which have not been received, within such preceding six Months; which Account, when produced, shall be, by each of the said Adjutants, signed and sworn-to before the said Treasurer; who is hereby authorized to administer the said Oath: and if it should be the Opinion of the said Treasurer, that any Fine does then remain unpaid, which might and ought to have been recovered by virtue of this Law, the said Treasurer is hereby strictly enjoined and required, to deduct, from the Pay to which such Adjutant may be entitled under this Act, the Amount of the said Fines which might have been received, but had been lost by the Neglect or Inattention of the said Adjutant: and if the said Treasurer shall, from the Adjutant's Accounts upon Oath as aforesaid, be of Opinion that all the Fines,

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Fines, which were incurred in the said preceding six Months and referred to him to be collected, and which could have been recovered within that Time, have been duly exacted and received by the said Adjutant, he, the said Treasurer, shall, upon Demand thereof being made by the said Adjutant, grant a Certificate thereof in Writing, annexed to the said Account; which Certificate shall be good and sufficient Evidence, whenever the same shall be necessary. And the Adjutants of the respective Corps, in making-up their half-yearly Accounts as aforesaid, are hereby authorized to charge a Commission of ten Pounds *per Centum*, on the Amount of Fines received by them: and if the Amount of Fines so received by either of the Adjutants, deducting the Commission aforesaid, does not amount to a sufficient Sum to pay the half-yearly Allowance limited by the herein-before recited Act, the Colonel, or Commanding-officer, of the Corps to which such Adjutant shall belong, shall give him an Order on the Treasurer to receive the Difference between the Sum so received by him, and the Amount of his half-yearly Pay: but if the Amount of the Fines received by either of the Adjutants, deducting the Commission aforesaid, shall exceed his half-yearly Allowance, the Amount of such Excess shall be debited in the Public Books against the said Adjutant. And if any Adjutant of a Corps of Militia, shall presume to make any Composition with any Person or Persons whatever, to take from him or them, less than the Fine or Fines imposed by this Law, and be thereof convicted before the Colonel, or Commanding-officer of the Corps he belongs to, upon the Oath of one or more White Witness or Witnesses; (which Oath the said Colonel, or Commanding-officer, is hereby authorized to administer;) such Adjutant shall, and is hereby declared to be *ipso facto* cashiered, and rendered incapable, for the future, of holding a Commission in either of the Corps of Militia of this Island.

V. And as touching and concerning the Fines of those Defaulters living in the Employ of others as aforesaid, a Certificate of which is herein-before directed to be delivered to the Treasurer, in order that the said Fines may be charged, in the Public Books of this Island, to the Person or Persons in whose Service or Employ the said Defaulters shall live; be it enacted and ordained by the Authority aforesaid, That the Treasurer of this Island, or his lawful Deputy, shall, once in every Month, publish in either of the Newspapers of this Island, a List of all the Defaulters, then returned to him, whose Fines are unpaid, and the Amount of their Fines incurred; which List, once published, shall be deemed a sufficient

verable Fines have been collected,—to grant Certificate of such Opinion to Adjutant.

Adjutant may charge 10 *per Cent.* Commission on Fines received.

When Amount of Fines, deducting Commission, is less than Adjutant's Pay; Commanding-officer to give Order on Treasurer for Difference.

When Amount exceeds Pay, Excess to be debited.

Adjutant not to make Composition for any Fine; under Penalty of forfeiting Commission.

Treasurer to publish monthly, in Newspapers, List of Defaulters (in Service) whose Fines are unpaid.

Treasurer to
levy on Em-
ployer not
paying his Ser-
vant's Fine af-
ter such No-
tice.

Treasurer
may retain 10
per Cent.
Commission
on Fines.

If, on Oath to
Treasurer, it
appear that
Employer,
when charged,
was not in-
debted to Ser-
vant in
Amount of
Fine, Treasu-
rer may re-
mit Fine:

Provided Em-
ployer does
not continue
—or dis-
charge, and
re-employ
Servant.

Employer to
retain Fine
out of Ser-
vant's Earn-
ings, when the
Default is ow-
ing to Ser-
vant's Neglect.

If, on Oath to
Treasurer, it
appear that
Certificate has
mis-

Demand of Payment from their Employers; and if, after such Publication, the Employer or Employers shall neglect or omit to pay to the Treasurer, the Amount of the Fine or Fines incurred by his or their Servant or Servants, the said Treasurer, or his Deputy, is hereby authorized and required to have, use, and take the same Process, for the Recovery thereof, as is prescribed and laid down, in the Laws of this Island, for the Recovery of other Public Debts and Charges. And the said Treasurer is hereby authorized to charge a Commission of ten Pounds *per Centum* on the Amount of all Fines so received by him, as a Compensation for his Labour and Trouble.

VI. And whereas it may so happen, that an Employer may be called upon to pay the Fine of his Servant after he is discharged from his Service, and at a time that he was not indebted in any Sum to the said Servant, or he may not have Money in his Hands belonging to the said Servant sufficient to pay the Fine incurred by him; be it therefore enacted and ordained by the Authority aforesaid, That if, upon sufficient Proof on Oath made to the Treasurer, it shall appear that any Employer, charged with the Fine of his Servant, shall not have been, at the Time he was so charged, indebted to the said Servant sufficient to pay the Amount of the Fine incurred by him, the said Treasurer shall be, and he is hereby authorized to remit the Amount of such Fine; any thing herein contained to the contrary thereof in any wise notwithstanding: Provided always nevertheless, that this Indulgence shall not be construed to extend to such Employer, as may continue the said Servant in his Employ, or, after discharging, shall again take the said Servant into his Employ; it being the true Intent and Meaning hereof, that every Employer, after having due Notice as aforesaid, that his Servant has incurred a Fine, shall reserve in his Hands, out of his Earnings, a sufficient Sum to pay the said Fine, PROVIDED THE DEFAULT SHALL HAVE HAPPENED THROUGH THE NEGLIGENCE OR OMISSION OF THE SERVANT, and, that the said Servant shall remain in his Service long enough to have earned the Amount of the Fine incurred.

VII. And whereas, from the want of proper Information, or through the Neglect or Inattention of Adjutants, a Person may be described, in the Certificate herein-before directed to be issued to the Treasurer, as living in a certain Employ, when, in fact, he or they may be in the Service of others; be it therefore enacted and ordained by the Authority aforesaid, That if, upon sufficient Proof upon Oath made to the Treasurer, it shall appear that, in any Certificate

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Certificate issued to him by the Colonel or Commanding-officer, of any Corps, any Employer or Employers is or are charged, with the Fine of any Person or Persons said to be in their Employ, but who were actually, in the Employ and Service of others at the time the Fine or Fines is or are specified to have been incurred; the said Treasurer is hereby authorized and required, to remit such improper Charge, and to debit the Amount of the Fine or Fines incurred, to the Account of the Person or Persons, in whose Service or Employ, the said Delinquent or Delinquents shall at that time happen to be; giving Notice thereof, in forty-eight Hours afterwards, to the Person or Persons whom he shall so charge: but if, upon due Enquiry, it shall appear, that the said Delinquent or Delinquents, at the time of incurring the said Fine or Fines, did not live in the Service or Employ of any Person or Persons, to whom the said Fine or Fines could, properly, be charged in the Public Books; then and in such case, the said Treasurer is hereby directed and required, to charge the Amount of all such Fines, so improperly returned to him through the Negligence or Inattention of the said Adjutants, to the Account of the said Adjutants, in the Public Books, to be deducted out of his half-yearly Allowance; and the said Adjutant, for the Amount of any Fine or Fines so charged to him by the Treasurer, is hereby authorized and empowered, to recover Payment from the Delinquent or Delinquents, by arresting and prosecuting a Suit or Suits at Law, in the same way as he might for any other other Monies paid, laid out, or expended for such Delinquent or Delinquents.

mistated Employer, Treasurer to remit his Fines, and charge it to right Employer; giving Notice, in forty-eight Hours, to Person charged.

If no Employer can be charged; Fine improperly returned to be debited to Adjutant.

Adjutant may recover Payment from Delinquent, by Suit.

Commandant of Troop or Company on monthly Field-day, not returning Defaulters to Adjutant, in six Hours after Corps dismissed; to forfeit 9/ 18s.

VIII. And be it also enacted and ordained by the Authority aforesaid, That if any Officer, who shall command a Company, or Troop, in the said Militia on such monthly Field-days, shall refuse or neglect to make a proper Return in Writing, of all such Absentees belonging to the said Company or Troop, to the Adjutant of the Corps, in six Hours after the Regiment or Troop to which he belongs shall be discharged; he shall forfeit and pay the Sum of nine Pounds, eighteen Shillings, current Gold and Silver Money, for every such Offence; to be recovered in the same way that Fines for Non-attendance on monthly Field-days are directed and ordered by this Act.

IX. And whereas Experience hath proved, that many of the Fines, imposed by the ninth Clause of the herein-before in part recited Act, are not sufficiently large to compel the Appearance of the Officers and Men, of the respective Corps of Militia of this Island; be it therefore enacted and ordained by the Authority aforesaid,

Instead of
Fines in No.
485, S. 9.
Fines for Non-
attendance on
monthly
Field-days,
&c. or for At-
tendance im-
properly arm-
ed and ac-
counted, to be
as in

TABLE OF
FINES.

said, That from and after the Publication of this Act, the Fines for Absence, or for not appearing at the Place of Parade at nine o'Clock in the Morning, on monthly Field-days; or for appearing on monthly Field-days, and at any other time when legally required to do Military Duty, and at all Alarms, not armed, cloathed, or accounted as may have been directed by a Council of War as aforesaid, —shall be as follows, that is to say:

A Colonel of a Corps shall pay ..	fourteen Pounds eight Shillings,	{ Current Gold and Silver Money.
A Lieutenant-Colonel	thirteen Pounds four Shillings	like Money.
A Major	twelve Pounds	like Money.
A Captain	ten Pounds sixteen Shillings	like Money.
A Lieutenant	nine Pounds twelve Shillings	like Money.
A Cornet, Ensign, or Surgeon ..	eight Pounds eight Shillings	like Money.
A Serjeant of Dragoons	four Pounds four Shillings	like Money.
A Serjeant of Foot, and Artillery..	three Pounds	like Money.
A Corporal of Dragoons	three Pounds twelve Shillings	like Money.
A Corporal of Foot, and Artillery	one Pound sixteen Shillings	like Money.
A Trumpeter	three Pounds six Shillings	like Money.
A Private of Dragoons	three Pounds	like Money.
A Private of Foot	one Pound four Shillings	like Money.
A Private of the Battalion of } Artillery	one Pound four Shillings	like Money.
A Non-commissioned-officer of } Pioneers	one Pound four Shillings	like Money.
A Pioneer	twelve Shillings	like Money.

Any thing in this Act contained, to the contrary thereof, in any wise notwithstanding.

X. Whereas it may be thought advisable, to make Alterations in the Size and Quality of the Muskets, now used by the respective Corps of Militia, which, as the Law now stands, cannot be effected without introducing a Clause in this Act; be it enacted and ordained by the Authority aforesaid, That if the Commanding-officer of any Corps of Militia, shall, at any time hereafter, find it advantageous to the public Service, that Alterations should be made, in the Size and Quality of the Arms at present carried; the same shall be submitted,

Command-
ing-officer
may propose;
and Council
of War adopt
Alteration in
Arms.

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No. 545.

A. D. 1800.

mitted, by him, to a Council of War, to be summoned for that Purpose; who are hereby authorized, if they think it advisable, to adopt such Alterations.

XI. And be it enacted and ordained by the Authority aforesaid, That the Treasurer of this Island, or his lawful Deputy, as soon after the Publication of this Act as may be, shall get as many Copies of the same printed, in a small pocket Size, at the public Expense, as may be sufficient; to be distributed to the Captain-General and Lieutenant-General of the *Leeward* Islands, the Lieutenant-Governor and President of the Council of this Island, and to the Members of the said Council, and to the Members of the Assembly, and to the Commissioned-officers of all the Corps of Militia, and the Judge-Advocate of the same, or his Deputy: and the Commanding-officer of each Corps of Militia, is hereby required, to cause the same to be publicly read at the Head of his Corps, on the first monthly Field-day which shall happen, next after he shall receive one of the said printed Copies.

Treasurer to get Copies of Act printed, for Distribution as in Clause.

Commanding-officer to cause Copy to be read.

Dated at *Saint Christopher's*, the twelfth Day of *April*, in the Year of our Lord one thousand eight hundred; and of His Majesty's Reign, the fortieth.

JOHN BURKE, *Speaker*, pro tempore.

Passed the Assembly, the twentieth Day of *February*, one thousand eight hundred.

Passed the Council, this twentieth Day of *March*, one thousand eight hundred.

JOHN HILL,
Clerk of the Assembly.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

ROBERT (L. S.) THOMSON.

Published, this sixteenth Day of *April*, one thousand eight hundred.

JOHN ROBERTS, *Dep. Pro. Marshal.*

An

No. 546.

ENLARGED
by Act of 24th
Jan. 1803,
(No. 570.)

An Act for the better Regulation of Porters, Jobbers, and Watermen, and all such Persons as shall ply as Porters, Jobbers, or Watermen, in any of the Towns or Harbours of this Island; and for the Regulation of small Boats and Craft, of every description, which ply for hire, or Huckstering-boats, in the said Harbours.

PREAMBLE.

WHEREAS in all Commercial Countries, it is proper and expedient, to encourage common Labourers in and about the several Towns of the same; And whereas nothing so effectually tends to their Encouragement as wholesome Regulations, which no existing Act of this Island at present provides for; We, therefore, Your Majesty's most loyal and obedient Subjects, the Commander-in-Chief in and over all Your Majesty's *Leeward Caribbee* Islands in *America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, most humbly pray Your Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That, from and after the Publication of this Act, no Slave or Slaves shall be suffered to ply, hire, or employ him or themselves, as Porters, Jobbers, or Watermen, either on-shore or in Boats or Vessels, in any of the Towns or Harbours of this Island, until he has first obtained a License, in Writing, from his or their Owner or Owners, or Renters, setting forth his or their Permission and Assent, to such Slave or Slaves being so employed as Porters, Jobbers, or Watermen; which License shall be provided and printed by the Secretary, in manner and form following, that is to say:

ACT.
No Slave to
ply as Porter,
Jobber, or
Waterman,
without Li-
cense from
Owner or
Renter.

Secretary to
provide print-
ed Licenses.

FORM of Li-
cense.

I [A. B.] of the Parish of _____ do hereby authorize [C.] a Negro Slave belonging to me [or under my Care and Direction,] to ply and hire himself, or take Employment, as a Porter, Jobber, or Waterman, in and about the Town and Harbour of _____ and this to be in force for "_____" from the Date hereof. [By No. 570, S. 3. the last Blank in License is invariably to be filled by "one Year;" Licenses renewable by Owner: and by No. 570, S. 4. Licenses already granted for longer Term than a Year are void.]

And

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And the Secretary, having numbered, and recorded or filed such License, shall deliver to each such Slave, so licensed, a small Brass Plate or Badge, on which the Word "*Antigua*," with a corresponding Number to the License, shall be stamped or engraved in legible Characters; which said Badge must be worn by such licensed Porters or Jobbers round their Neck, or on some conspicuous Part of their Cloathing; and for such Badge, and for receiving, numbering, and recording or filing every such License, the Secretary, or his lawful Deputy, shall be entitled to demand and receive a Spanish Silver milled Dollar. [*By No. 570, S. 1. 2. Boat unlicensed, or bearing forged Name or Number, or navigated by unlicensed Waterman, is, under certain Circumstances to be established by Enquiry, to be confiscated. See the Provisions there at length.*]

Secretary having numbered and filed License, to deliver to Slave, Badge, with Number corresponding to License, to be worn conspicuously.
Secretary's Fee.

II. And be it enacted and ordained by the Authority aforesaid, That any Slave, offering himself to be employed, as a Porter, Jobber, or Waterman, in or about any of the Towns or Harbours of this Island, without having such Badge, shall and may be deemed a Runaway; and it shall and may be lawful for any Person, being a resident Inhabitant to commit him to Jail, in the usual manner for committing Runaways; and the Person who shall commit him, shall be entitled to the same Reward as is allowed, by Law, for taking up Runaways.

Slave Porter, or Waterman, without Badge; may be committed as a Runaway.

Reward for committing as for taking a Runaway.

III. And for the better regulating the Hire of such Porters, Jobbers, Watermen, and Day Labourers; be it enacted and ordained by the Authority aforesaid, That every such licensed Slave as shall, duly and faithfully, perform the Services and Work he has undertaken, and been employed either on-shore or on-board, shall receive, for the same, in manner following, that is to say:

For a customary and Working-day, the Sum of five Shillings, current Money, and in proportion for any part of a Day; or for carrying a Letter, Parcel, or reasonable Load any Distance out of the Town of *Saint John*, not exceeding three Miles, one Shilling and Sixpence; and for carrying the same more than three, and not exceeding six Miles, three Shillings; and for carrying the same any farther Distance, within the Island, five Shillings, current Money.

RATES at which Slave is to be paid.

IV. And be it enacted and ordained by the Authority aforesaid, That if any such licensed Porter, Jobber, Labourer, or Waterman, being called upon to act in his Capacity aforesaid, shall, under any Pretence whatever, refuse,—or shall require, or attempt to extort

Licensed Slave refusing to act in his Capacity; or requiring exorbitant Hire; may

may be taken
before Jus-
tice, for cor-
poral Punish-
ment.

Master of Ves-
sel employing
Slave, without
Badge to load
or unload; to
forfeit, on
Conviction,
to Owner 5*l.*
max. 40*s.* *min.*
and 1*s.* *per*
Hour, for har-
bouring; and
pay for any
Hurt to
Slave; unless
there be spe-
cial Agree-
ment between
Employer and
Owner.

On Owner de-
claring on
Oath before
Justice Sus-
picion, that
his Slave is
harboured on
Shipboard
contrary to
Act; Justice
to summon
Party ac-
cused; and ap-
point Trial
on being at-
tended; as in
Clause.

any exorbitant or extraordinary Hire, contrary to the true Intent of this Act; it shall and may be lawful for any Inhabitant, to take him or them before any Magistrate; who shall, without Fee or Reward, hear the Complaint, and order such corporal Punishment to the Offender as he shall think proper.

V. And whereas it has, of late Years, been customary, for Masters and Owners of Ships and other trading Vessels, to employ Slaves to load and unload their Vessels, by which means Runaways are encouraged, and find Employment, to the Loss and Disadvantage of their Owners; be it enacted and ordained by the Authority aforesaid, That if any Owner, Master, or Commander of any Ship or Vessel, or any other Person concerned in, or directing the unloading or loading of any Ship or Vessel, in any of the Harbours of this Island, shall employ, or cause to be employed any Slave or Slaves, except such as are furnished with such Badge as afore-mentioned, he shall be liable to forfeit and pay, to the Owner or Owners of such Slave or Slaves, on Conviction, any Sum not exceeding five Pounds, nor less than forty Shillings, current Money of this Island, and also the further Sum of one Shilling, like Money, for every Hour he shall so employ, or even harbour such Slave or Slaves without a regular Ticket as aforesaid; and, moreover, shall be liable to pay the full Amount or Value of any Damage, which such Slave or Slaves shall receive during the Time they were so employed or harboured; UNLESS a special Agreement shall have been entered into, between the Employer and Owner, or Renter or Director of such Slaves.

VI. And whereas it may often be difficult, for the Owner or Owners of such Slaves, who have been so employed contrary to the true Intent and Meaning of this Act, to prove the same, for want of the Evidence of a Free Person or Persons; be it, therefore, enacted and ordained by the Authority aforesaid, That if any Owner or Owners, Renter or Renters of Slaves, shall declare, on Oath, before any Justice of the Peace, that he, she, or they have just Reason to believe or suspect, that any Slave or Slaves, their Property or under their Direction or Charge, are or have been harboured in or on-board any Ship or Vessel, contrary to the true Intent and Meaning of this Act; such Justice of the Peace shall, and is hereby required to issue a Summons against the Party accused, to attend at a certain Day to answer to the Premises; and, if not attended on the first Summons, shall issue a second, requiring the Party or Parties accused, to attend at any other certain Day, not exceeding eight Days from the Date of each Summons, to answer the Premises; and,

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and, being so attended, shall appoint any Day, not exceeding the Time of six Days, for the Trial; of which the Accused is to take Notice and attend accordingly: AND the Justice is hereby empowered, to issue Summonses for the Witnesses to attend, directed to a Constable or Constables; and, on the Trial, may examine him, her, or them accused, and all the Witnesses, on Oath, (and if a Quaker, on solemn Affirmation,) concerning such illegal detaining and employing; and, if proved by Evidence or confessed by the Party or Parties accused, such Justice shall give Judgment—for the Party injured to recover, against the Offender or Offenders, any Sum not exceeding twenty Shillings, for every Working-day he, she, or they may have detained such Slave or Slaves, if common Working Slaves, but if Handicraft Tradesmen, then any Sum not exceeding double the aforesaid Rate, besides all reasonable Costs: AND the Justice giving Judgment, shall make a Record of his Proceedings, and return it into the Secretary's Office, under his Hand and Seal: And the Complainant, or Party injured, may sue for the Execution thereon, after the Expiration of six Days from the Date of the Judgment, by a Warrant under the Hand and Seal of the Secretary of this Island, or his Deputy, directed to the Provost Marshal, his Deputy or any Constable; and it shall be levied on the Offender's Goods and Chattels, and those immediately to be carried to the next Town, and sold by Outcry, at the Expense of the Offender or Offenders, and the Debt and Costs thereout satisfied: and in case there should not be found a sufficiency of Goods and Chattels of the Offenders; he, she, or they shall be taken and imprisoned, till Satisfaction be made of the Judgment, and, all Fees and Costs: AND the Justice for hearing the Trial and making the Record shall and may receive twelve Shillings and no more: and the Secretary, three Shillings for filing, and six Shillings for issuing the Execution: and the Marshal, or his Deputy, or the Constable eight Shillings and three Pence, for executing the Warrant upon each Offender's Body, if no Goods or Chattels; and if levied on Goods and Chattels, then only eight Shillings and three Pence; and two Shillings in the Pound, for levying and selling: AND such Recovery before a Justice shall be a Bar to any further Prosecution for the same Offence or Offences, of detaining or employing Slaves: AND if the Accused, after knowing the Day of Trial,—or any Person or Persons whatever, being duly summoned, for the Space of twenty-four Hours, by writing, to attend at the Day of Trial, as Witnesses or otherwise,—shall neglect then to attend, the Party accused not attending,

To summon Witnesses.

On illegal Detention proved or confessed; if of common Working Slave; Party injured to recover 20s. *max.*; if Handicraft Slave, 40s. *max.* for each Day of Detention.

Justice to return Record of Proceedings into Secretary's Office.

Execution to issue from latter Office for Damage.

For want of Distress, Imprisonment.

Justice's Fee, 12s.

Secretary's Fees, 3s. 6d.

Marshal's (or Constable's) Fees.

Recovery, bar to further Prosecution.

Accused, apprised of Day of Trial, and not attending, to forfeit 40l.

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Witness summoned, in Writing, twenty-four hours previously, and not attending; to forfeit 5*l*.

Another day to be appointed; Party desiring it paying Costs.

Owner of licensed Slave answerable for Slave's Thefts and Abuses, not exceeding 5*l*.

No Slave to ply in Flat, Bum-boat, or Huckster-boat, without Badge.

Owner of such Boat (Exception) to register his Name and Number of Boat with Harbour-master.

Owner to paint his Name and Number of Boat on Stern.

shall forfeit ten Pounds, lawful Money, to be recovered before any one Justice of the Peace, and levied, by his Warrant to a Constable, on the Offender's Goods and Chattels, and sold as last-mentioned, in case of Execution levied; to the Use of the Parties complaining;—and every Witness, duly summoned and being able to attend and not attending, shall forfeit five Pounds, to the Party aggrieved; to be recovered as last-mentioned; and then, another Day—on such Failure of the accused Party's attending, or the attending of any material Witness summoned—shall be granted for Trial, on the Party's desiring such further Delay, on his paying such Costs down for the other's Delay, as the Justice, before whom the Trial was to have been, shall award.

VII. And whereas many Frauds and Abuses have arisen, in consequence of the Misconduct of Slaves employed as Porters, Jobbers, Labourers, or Watermen; be it enacted and ordained, and it is hereby enacted and ordained by the Authority aforesaid, That all Owners, Renters, Directors, or Possessors of such Slave or Slaves, as they shall, in manner aforesaid, license to act as Porters, Jobbers, or Watermen, shall be personally answerable for, and make good all Thefts or other Abuses, which the said licensed Slave shall commit; provided the same shall not exceed the Sum of five Pounds, current Money.

VIII. And whereas frequent Frauds and Impositions are daily committed, by Negroes plying in the Harbour of *St. John's*, in small Craft or Boats, commonly called Flats, Bum-boats, or Huckster-boats; and runaway Negroes constantly find Employment in them; be it enacted and ordained, and it is hereby enacted and ordained by the Authority aforesaid, That, from and after the Publication of this Act, no Negro or other Slave shall ply, in any such Flat, Bum-boat, or Huckster-boat, without having a Badge as aforesaid; and that, from and after the Publication hereof, every Owner or Holder of any such Flat, Bum-boat, or Huckster-boat, plying in the Harbour of *St. John*, (except such as belong to registered Vessels, or to Merchants,) shall appear before the Harbour-master, or his Deputy, who shall register the Owner's Name, and Number of such Flat, Bum-boat, or Huckster-boat; and, for registering and numbering each and every such Flat, Bum-boat, or Huckster-boat, the said Harbour-master, or his Deputy for the time being, shall be entitled to demand and receive, the Sum of eight Shillings and three Pence, current Money, from the Owner or Holder of such Craft or Boats; who shall, at their proper Cost and Expense, cause the Owner's Name, and such Number as the

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the Harbour-master, or his Deputy, shall direct, to be painted, legibly, on the Stern of such Boat.

IX. And, for preventing Extortion, and for the better regulating the Hire of such Flats, Bum-boats, or Huckster-boats, as ply for Hire in the Harbour of *St. John*; be it enacted and ordained, and it is hereby enacted and ordained by the Authority aforesaid, That every Owner or Holder of such Flats or Boats aforesaid, who shall, well and faithfully, perform the Services or Work, undertaken by him or his Servants, shall have and receive for the same, in manner following, that is to say:

For every Flat or Boat aforesaid with two Oars, for carrying Letters, BOAT FARES. Baggage, or Passengers on-board any Ship or Vessel at Anchor, within a Line drawn South from the West End of *Rat Island Causeway*, to the Point called *Boons* or *Hattons* on the opposite Shore, one quarter of a Dollar; for carrying the same on-board any Ship or Vessel at Anchor, within a Line drawn South from the Flag-staff of *Fort James* to the opposite Shore, the Sum of half a Dollar; for carrying the same on-board any Ship or Vessel at Anchor over the Bar, one Dollar; and for four Oars, double the above Prices; unless an Agreement is previously made.

X. And be it enacted and ordained by the Authority aforesaid, That if any Flat, Bum, or Huckster-boat is detained, more than one half-hour, by the Person or Persons hiring the same, he shall pay over and above the Fare allowed by this Act, one quarter of a Dollar Additional Fare for Detention more than half an Hour, a Quarter-dollar per Hour. per Hour, for each Hour the Boat is so detained.

Dated at *Saint Christopher's*, the twelfth Day of *July*, in the Year of our Lord one thousand eight hundred, and of His Majesty's Reign the fortieth.

JAMES ATHILL, *Speaker*.

Passed the Assembly, this sixth }
Day of *February*, one thou- }
sand eight hundred.

Passed the Council, this fourth }
Day of *June*, one thousand }
eight hundred.

JOHN HILL,
Clerk of the Assembly.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

ROBERT (L. S.) THOMSON.

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Nis. 546, 547.

A. D. 1800.

Published, this eighteenth Day of *July*, one thousand eight hundred.

JOHN ROBERTS, *Dep. Pro. Marshal.*

No. 547. **An Act** for reviving and making perpetual an Act, intituled, An Act for more effectually preventing the Purchase of stolen Iron, Copper, Lead, and Brass, in this Island.

PREAMBLE.

No. 494.

Act.
No. 494 to be
perpetual.

WHEREAS an Act, intituled, *An Act for more effectually preventing the Purchase of stolen Iron, Copper, Lead, and Brass, in this Island*, dated the eighteenth Day of *September*, in the Year one thousand seven hundred and ninety-four, did expire sometime in the Month of *October*, which was in the Year of our Lord one thousand seven hundred and ninety-seven: And whereas the said Act hath been found by Experience, to be extremely useful and beneficial, and highly necessary to be revived and made perpetual; We, therefore, Your Majesty's most dutiful, loyal, and obedient Subjects, the Commander-in-Chief in and over all Your Majesty's *Leeward Caribbee Islands in America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That the said Act be revived and made perpetual; any thing in the said Act contained, to the contrary thereof, in any wise notwithstanding.

Dated at *Saint Christopher's*, the fifth Day of *August*, in the Year of our Lord one thousand eight hundred, and of His Majesty's Reign the fortieth.

JAMES ATHILL, *Speaker.*

Passed the Assembly, this seven-
teenth Day of *July*, one thou-
sand eight hundred.

Passed the Council, this seven-
teenth Day of *July*, one thou-
sand eight hundred.

JOHN HILL,
Clerk of the Assembly.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

ROBERT L. S. THOMSON.

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40th GEO. III.

Nis. 547, 548.

A. D. 1800.

Published this ninth Day of *August*, one thousand eight hundred.

JOHN ROBERTS, *Dep. Pro. Marshal.*

An Act for amending an Act, intituled, An Act for electing an Agent, from time to time, for this Island; appointing a Recompense for his Trouble; and settling Methods for the better Management of that Trust. No. 548.

WHEREAS in and by an Act of the Legislature of this Island, bearing Date the twenty-second Day of *December*, in the Year of our Lord one thousand six hundred and ninety-eight, it is enacted, among other Things, That the Salary of the Agent for this Island, residing in *Great Britain*, shall be one hundred Pounds, Sterling, to be remitted to him by the Treasurer of this Island: And whereas it appears, that the said Salary is an insufficient Compensation, for the Trouble and Pains which are necessarily employed by an Agent, in transacting the public Affairs of this Colony; and whereas *Anthony Brown*, Esquire, the present Agent of this Island, since his Appointment to that Office, hath conducted himself with Ability, Attention, and Punctuality; We, therefore, your Majesty's dutiful and loyal Subjects, the Commander in Chief of Your Majesty's *Leeward Caribbee* Islands in *America*, and the Council and Assembly of Your Majesty's Island *Antigua*, humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That the said *Anthony Brown*, while he continues in the Office of Agent of this Island, and resides in *Great Britain*, or any future Agent who shall reside in *Great Britain*, shall have and receive, from the public Treasury of this Island, the Salary or yearly Sum of two hundred Pounds, sterling Money of *Great Britain*, to be remitted to him by the Treasurer of this Island; and that such Salary shall commence to the said *Anthony Brown*, on the fourth Day of *May*, which was in the Year of our Lord one thousand seven hundred and ninety-nine.

PREAMBLE.
No. 109.

ACT.
Salary of
Colonial
Agent under
No. 109, to be
increased to
200*l.* Sterling.

Augmenta-
tion to com-
mence 4th
May 1799.

Dated at *Saint Christopher's*, the fifth Day of *August*, in the Year of our Lord one thousand eight hundred, and of His Majesty's Reign the fortieth.

JAMES ATHILL, *Speaker.*

Passed

40th GEO. III.

Nis. 548 — 550.

III A. D. 1800.

Passed the Assembly, this fourth
Day of *June*, one thousand
eight hundred.

Passed the Council, this seven-
teenth Day of *July*, one thou-
sand eight hundred.

JOHN HILL,
Clerk of the Assembly.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

ROBERT L. S. THOMSON.

ANTIGUA. Published this ninth Day of *August*, one thousand eight
hundred.

JOHN ROBERTS, *Dep. Pro. Marshal.*

No. 549.
TEMPORA-
RY.

*An Act for valuing and appraising a certain Tract or
Parcel of Land situate in the Parish of St. Paul, and
Division of Falmouth, in this Island Antigua; and
for vesting the same in His Majesty, His Heirs, and
Successors, upon Payment of the appraised Value
thereof.*

Dated 19th January, 1801.

No. 550.

*An Act to explain and amend an Act, intituled, An Act
for laying a Tax on all Sugar Plantations, in this
Island, not having one or more Cisterns thereon,
and on all Houses in either of the Towns of this
Island; and applying the Money arising there-
from.*

PREAMBLE.

WHEREAS by an Act of this Island, intituled, *An Act for laying
a Tax on all Sugar Plantations, in this Island, not having one or more
Cisterns thereon, and on all Houses in either of the Towns of this Island;*
and

41st Geo. III.

No. 550.

A.D. 1801.

No. 524.

and applying the Money arising therefrom, dated at Saint Christopher's, the twenty-seventh Day of January, one thousand seven hundred and ninety-eight, and of His Majesty's Reign the thirty-eighth, it is, with other things, enacted, That, in eighteen Months after the Passing and Publication of the said Act, every Sugar Plantation cultivated and carried on as such, not having thereon one Cistern at least, for the Purpose of holding Drinking-water, shall pay, annually, into the Treasury of this Island, the Sum of thirty Pounds, current Money of this Island; and every Dwelling-house in either of the Towns of this Island, and occupied as such, renting for sixty Pounds or more *per Annum*, not having a Cistern thereto belonging for the holding Drinking-water, if the Land belonging to such House will admit the building of a Cistern thereon, and unless expressly forbid by some existing Tenure of such House, shall pay, annually, into the Treasury of this Island, the Sum of twelve Pounds *per Centum* each, current Money of this Island, on the annual Rent of such House: And that such Cistern on the Plantation, for every hundred Negroes shall contain, at least, fifty Hogsheads of Water; and each Cistern belonging to each Dwelling-house, shall contain, at least, twenty Hogsheads of Water: And whereas Doubts have arisen, touching the Word "HOGSHEADS" used in the said recited Act, as to the Quantity of Water thereby meant and intended to be contained in one Hogshead, and also touching the Size of the Cistern, where the Slaves shall exceed one, two, or any number of hundred Slaves; by reason of which, the Operations of the said recited Act have been retarded, and the good Effects expected to arise therefrom have been delayed: In order, therefore, to obviate the said Doubts, and to prevent all Disputes, in future, concerning the same; We, Your Majesty's loyal and obedient Subjects, the Commander-in-Chief of Your Majesty's *Leeward Caribbee* Islands in *America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority of the same, That in all and every Place and Places, where the Word "HOGSHEADS" is used, in the said recited Act, the same shall be taken, construed, and considered as meaning "one hundred Gallons Wine Measure;" and also, that, whatever may be the number of Slaves on any Plantation or Plantations, the Cistern or Cisterns, directed to be built in and by the said Act, shall contain at and after the Rate of fifty Gallons of Water for each Slave;

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3 C

any

W here C
tern on Plan
ation not
equal to fifty
Gallons per
Slave; Owner
intended of Pe
rally of 500
to pay 12s for
every fifty
Gallons de
clared

No. 524
Antigua

In taking an
must return
under No.
Act.

By "Hogs-
heads" in No.
524, is to be
understood as
"100 Gallons
Wine Mea-
sure."

Cisterns on
Plantation,
directed to be
built by No.
524, to con-
tain fifty Gal-
lons per Slave,
whatever the
number of
Slaves.

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any thing in the said Act contained, to the contrary thereof, in any wise notwithstanding.

II. And whereas it is highly necessary and proper, that an Alteration should be made in the Penalty, imposed by the said Act; it being neither fair nor just, that the same Penalty, should be paid by the Owner of a Plantation, the Size of whose Cistern is not adequate to the Number of his Slaves, as is exacted from the Owner of a Plantation not having any Cistern at all, which is the case as the Law now stands; be it, therefore, enacted and ordained by the Authority aforesaid, That whenever it appears, by the Returns taken in pursuance of the said Act, that there is a Cistern or Cisterns, built on any Plantation, whose Contents are not equal to the Proportion, before mentioned, of fifty Gallons for each and every Slave on such Plantation; then and in such case, the Owner or Owners thereof, instead of paying the said Penalty of thirty Pounds, shall stand chargeable with, and pay into the Public Treasury of this Island, the Sum of twelve Shillings, current Money, for every fifty Gallons the said Cistern may prove deficient, in Measurement of the Quantity required, in and by the said Act; any thing therein contained, to the contrary thereof, in any wise notwithstanding.

Where Cistern on Plantation not equal to fifty Gallons per Slave; Owner instead of Penalty of 30*l*. to pay 12*s*. for every fifty Gallons deficient.

III. And whereas it doth appear, that the wholesome Regulations of the said Act may be evaded, and the good Effects thereof entirely frustrated, inasmuch as there is no Provision made for compelling Persons to keep their Cisterns in good Repair; so as to be capable of holding Water, neither is there any Obligation, on the said Persons, to insure the Means of conducting Water into their Cisterns, when built, either by paved Platforms, or by Spouts from adjacent Buildings; be it enacted and ordained by the Authority aforesaid, That in taking the annual Returns in pursuance of the said Act, the Persons sworn shall be particularly questioned as to the State and Condition of their Cisterns, and also the Mode adopted for conveying Water to them; and if it shall, in any instance, appear, to the Magistrate taking the said Return, that the Cistern or Cisterns are not in good Repair, fit and capable of holding Water, or that proper Means have not been adopted to convey Water into it or them; then and in such case, the Owner of the said Plantation, or Dwelling-house, having such defective Cistern; or having a Cistern, without the means of conveying Water to it, either by a paved Platform, or by Spouts from adjacent Buildings; shall be subject to the same Penalty, as if he had no Cistern at all; any thing in the said

In taking annual Returns under No. 524; Persons sworn, to be questioned as to State of their Cisterns and Mode of supplying them with Water.

For Cistern defective or without Means of conveying Water to it, same Penalty as for total Want of Cistern.

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said Act contained, to the contrary thereof, in any wise notwithstanding.

IV. And be it also enacted and ordained by the Authority aforesaid, That nothing in the said Act contained, shall extend, or be construed to extend to any Person or Persons, having an ESTATE FOR LIFE, in any House or Tenement, in any of the Towns of this Island; any thing in the said Act contained, to the contrary thereof, in any wise notwithstanding.

No. 524 not to affect Tenant for Life of House in any Town.

Dated at *Saint Christopher's*, the twenty-fourth Day of *January*, in the Year of our Lord one thousand eight hundred and one, and of His Majesty's Reign the forty-first.

JAMES ATHILL, *Speaker*.

Passed the Assembly, this second Day of *October*, one thousand eight hundred.

Passed the Council, the eighth Day of *January*, one thousand eight hundred and one.

JOHN HILL,
Clerk of the Assembly.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

ROBERT L. S. THOMSON.

Published, this thirtieth Day of *January*, one thousand eight hundred and one.

JOHN ROBERTS, *Dep. Pro. Marshal*.

An Act to prevent the throwing or firing of Squibs, Serpents, Rockets, and other Fireworks. No. 551.

WHEREAS much Mischief hath happened, at different times, from throwing, casting, and firing of Squibs, Serpents, Rockets and other Fireworks; some Persons having thereby had their Lives in great danger; and other Damages have been sustained by many Persons, and much more (if not speedily prevented) may thereby happen,

PREAMBLE.

ACT.
 Illegal in Free
 Person, or
 Slave, of any
 age, to make
 or sell Fire-
 works; or
 Implements
 for making
 Fireworks;—
 or to permit
 Fireworks to
 be thrown
 from Party's
 Habitation,
 into public
 Passage; or
 to throw or
 assist in
 throwing
 Fireworks in-
 to House,
 Shop, public
 Passage, or
 Harbour.
 Such Offence,
 a Nuisance.
 Free Person,
 of whatever
 age, making,
 or giving, or
 selling Squibs,
 &c. or Moulds
 for making
 any Fire-
 works; [See
 Exception in
 S. 5. 6.] con-
 victed before
 Justice, by
 Party's Con-
 fession or two
 Witnesses'
 Oaths; to for-
 feit 10*l*.

happen, particularly in the Town of *Saint John*, where there are many wooden Buildings, and almost all the Buildings therein are covered with Shingles: For remedy whereof for the future; We, Your Majesty's dutiful and loyal Subjects, the Commander-in-Chief of all Your Majesty's *Leeward Caribbee* Islands in *America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That, from and after the Passing and Publication of this Act, it shall not be lawful for any Person or Persons, Free or Slaves, of what age, sex, degree, or quality soever, to make or cause to be made, or to sell, or utter, or offer, or expose to Sale any Squibs, Serpents, Rockets, or other Fireworks, or any Cases, Moulds, or other Implements for the making any such Squibs, Serpents, Rockets, or other Fireworks; or for any Person or Persons, free or Slaves, to permit or suffer any Squibs, Serpents, Rockets, or other Fireworks, to be cast, thrown, or fired from, out of, or in his, her, or their House or Houses, Lodgings or Habitations, or from, out of, or in any Part or Place thereto belonging or adjoining, into any public Street, Highway, Road or Passage; or for any Person or Persons of what degree, quality, or age soever, free or Slaves, to throw, cast, or fire, or be aiding or assisting in the throwing, casting, or firing of any Squibs, Serpents, Rockets, or other Fireworks, in or into any public Street, House, Shop, Highway, Road, Passage, or Harbour: and that every such Offence shall be, and is hereby adjudged to be a common Nuisance.

II. And be it further enacted and ordained by the Authority aforesaid, That if any FREE Person or Persons, of what age, sex, degree, or quality soever, from and after the said Passing and Publication of this Act, shall make or cause to be made, or shall sell, give, or utter, or offer or expose to Sale any Squibs, Serpents, Rockets, or other Fireworks, or any Cases, Moulds, or other Implements, for the making of any such Squibs, Serpents, Rockets, or other Fireworks; that then every such Free Person or Persons, so offending, and being thereof convicted before one or more Justice or Justices of the Peace for the said Island, either by the Confession of the Party or Parties so offending, or the Oath of two Witnesses, (which Oath the said Justice or Justices of the Peace, is and are, hereby, empowered and required to administer,) shall, for every such Offence, forfeit the Sum of ten Pounds, current Gold or Silver Money; and if any FREE Person or Persons whatsoever, from and after

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after the said Passing and Publication of this Act, shall permit or suffer any Squibs, Serpents, Rockets, or other Fireworks to be cast, thrown, or fired, from, out of, or in his, her, or their House or Houses, Shops, Dwelling, Lodging, or Habitation, or from, out of, or in any Part thereof, or any Place thereto belonging or adjoining, into any public Street, House, Shop, Highway, Road, Passage, or Harbour, or any other House or Place whatsoever; that, then, every such Person or Persons, so as aforesaid last offending, and being thereof as aforesaid convicted, shall, for every such Offence, forfeit the Sum of forty Shillings, current Gold or Silver Money; the said several Forfeitures to be levied, by Distress and Sale of the Goods and Chattels of every such Offender, by Warrant under the Hand and Seal, of the said Justice or Justices of the Peace, before whom such Conviction or Convictions shall be as aforesaid made; the one half of the said Forfeitures to be paid to the said Treasurer of this Island, for the use of the Public thereof; and the other half, to the use of him, her, or them who shall prosecute, and cause such Offender to be, as aforesaid, convicted.

III. And be it further enacted and ordained by the Authority aforesaid, That if any FREE Person or Persons of what age, sex, degree, or quality soever, from and after the said Passing and Publication of this Act, shall throw, cast, or fire, or be aiding, or assisting, in the throwing, casting, or firing of any Squibs, Rockets, Serpents, or other Fireworks, in, or into any public Street, House, Shop, Highway, Road, Passage, or Harbour; that then every Person so offending, and being thereof as aforesaid convicted, shall, for every such Offence, forfeit the Sum of forty Shillings, current Gold or Silver Money, to the Uses aforesaid: and if the Person or Persons so, as aforesaid, last offending, shall not, immediately upon his, her, or their being thereof as aforesaid convicted, pay to the said Justice or Justices of the Peace, before whom such Conviction shall be as aforesaid made, the said Forfeiture or Forfeitures for the Uses aforesaid; that, then, every such Justice or Justices of the Peace, is and are hereby empowered and required, by Warrant under his or their Hands and Seals, to commit every such Person or Persons, so as aforesaid last offending, to the Common-jail of this Island, there to remain under Confinement, without Bail or Mainprize, for any time not exceeding one Month, unless such Offender as is last mentioned shall, sooner, pay such Forfeiture or Forfeitures to the said Justice or Justices of the Peace.

Free Person convicted, as above, of permitting Squibs, &c. to be thrown from Party's Premises, into House, Shop, Passage, Highway, or Harbour; to forfeit 40s.

Said Forfeitures to be levied by Distress under Justice's Warrant. Half to Treasury, half to Prosecutor.

Free Person, convicted, as aforesaid, of throwing or assisting in throwing Squibs, &c. into Another's Premises, or into public Passage, Highway, or Harbour; to forfeit 40s.

Not paying Penalty, to be committed to Jail for a Month, max. or till Payment.

IV.

*Slave, of what-
ever age,
convicted be-
fore Justice,
on Oath of
one Witness,
of either of
said Practices
with Fire-
works prohi-
bited to Free
Persons; to
suffer such
public Cor-
rection as Jus-
tice shall or-
der.*

IV. And be it further enacted and ordained by the Authority aforesaid, That if any SLAVE or SLAVES, of what age or sex soever, from and after the Passing and Publication of this Act, shall make or cause to be made, or shall sell, give, or utter, or offer or expose to Sale, any Squibs, Serpents, Rockets, or other Fireworks, or any Cases, Moulds, or other Implements, for the making of any such Squibs, Serpents, Rockets, or other Fireworks; or if any such Slave or Slaves, from and after the said Passing and Publication of this Act, shall permit or suffer any Squibs, Serpents, Rockets, or other Fireworks, to be cast, thrown, or fired, from, out of, or in his, her, or their House or Houses, Dwelling, Lodging, or Habitation, or from, out of, or in any Part thereof, or Place thereunto belonging or adjoining, into any public Street, House, Shop, Highway, Road, Passage, or Harbour, or other House or Place whatsoever; or if any Slave or Slaves, of what age or sex soever, from and after the said Passing and Publication of this Act, shall throw, cast, or fire, or be aiding and assisting in the throwing, casting, or firing, of any Squibs, Serpents, Rockets, or other Fireworks, in or into any public Street, House, Shop, or Highway, Road, Passage, or Harbour; that, then, every such Slave or Slaves so offending, and being thereof convicted before one or more Justice or Justices of the Peace for the said Island, either by the Confession of the Party or Parties so offending, or by the Testimony of one or more Witness or Witnesses, shall, for every such Offence, suffer such public Correction, as the said Justice or Justices shall, in his or their Discretion, think fit to order and direct.

*Officer of
Ordnance and
Royal Artil-
lery, or Per-
son acting un-
der such Offi-
cer's Autho-
rity, may or-
der Fireworks
to be made
and dischar-
ged.*

V. Provided always, and be it further enacted and ordained by the Authority aforesaid, That it shall and may be lawful,—to and for the Officers of His Majesty's Ordnance, and the Officers of the Royal Artillery, being in this Island, or any other Person or Persons to be by them, or any of them authorized,—to give Orders and Directions, for the making any Sorts of Fireworks, to be used and fired according to such Orders and Directions, as shall be, from time to time, given by the said Officers of His Majesty's Ordnance, or Royal Artillery, or any other Person or Persons to be by them, for that Purpose, authorized; any thing herein contained, to the contrary thereof, in any wise notwithstanding.

*Militia, Mili-
tia Artillery,
and Officers
in Forts may
make and use
Fireworks for
Military*

VI. Provided always, and be it further enacted and ordained by the Authority aforesaid, That it shall and may be lawful to and for the Militia Battalion of Artillery, and other Corps of Militia of this Island, and the Officers of the Forts and Fortifications thereof, respectively,

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respectively, to make and use any Sorts of Fireworks, in the Exercise and Practice of Arms, and warlike Exploits, and making of Signals, only; in such manner as they or any of them might lawfully have done before the making of this Act; any thing herein contained, to the contrary thereof, in any wise notwithstanding.

Military Operations, and Signals.

VII. And be it further enacted and ordained by the Authority aforesaid, That immediately after the Publication of this Act, the same shall be printed in the Newspapers of this Island, at the Public Expense.

Act to be printed.

VIII. And be it further enacted by the Authority aforesaid, That if any Person be, at any time, sued for putting in Execution this Act, or any the Powers therein contained; then such Person so sued, shall and may plead the General Issue of Not guilty; and give the special Matter in Evidence; and if the Plaintiff in such Suit or Action be nonsuit; or a Verdict pass for the Defendant; or if such Plaintiff discontinue his Action; or if upon a Demurrer, Judgment be given for the Defendant; every such Defendant shall have his full treble Costs, to be paid by such Plaintiff; and the like Execution for the same, as in any Case where Costs are given for the Defendant.

Person sued for executing Act, to plead the General Issue.

Plaintiff to pay treble Costs.

Dated at Saint Christopher's, the twenty-fourth Day of January, in the Year of our Lord one thousand eight hundred and one, and of His Majesty's Reign the forty-first.

JAMES ATHILL, *Speaker.*

Passed the Assembly, this thirteenth Day of November, one thousand eight hundred.

Passed the Council, the eighth Day of January, one thousand eight hundred and one.

JOHN HILL,
Clerk of the Assembly.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

ROBERT (L. S.) THOMSON.

Published, this thirteenth Day of January, one thousand eight hundred and one.

JOHN ROBERTS, *Dep. Pro. Marshal.*

An

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No. 552.

A. D. 1801.

No. 552. *An Act for providing an additional Support, and convenient Habitation for the Residence, of his Excellency, the Right Honorable Ralph Lord Lavington, Baron of Lavington, during his actual Residence within the Government of these His Majesty's Leeward Caribbee Islands; and for appointing particular Funds for the Payment thereof.*

PREAMBLE.

WHEREAS Your Majesty has been, graciously, pleased to appoint the Right Honorable *Ralph Lord Lavington*, Baron of *Lavington*, one of Your Majesty's Most Honorable Privy Council, and Knight Companion of the Most Honorable Order of the Bath, to be Your Majesty's Captain-General and Governor-in-Chief, in and over this, and the rest of Your *Leeward Caribbee Islands in America*; and Your Majesty has also been, graciously, pleased, by Your Royal Instructions to his said Excellency, to allow the respective Assemblies under his said Excellency's Government, to settle such Sum or Sums on his said Excellency, during the whole Time of his Government, as they shall think proper; We, therefore, your Majesty's loyal and obedient Subjects, the Council and Assembly of this Your Majesty's Island *Antigua*, paying due Regard to Your Majesty's gracious Intentions towards your said Chief Governor, and not doubting from past Experience his said Excellency's just and impartial Administration, do humbly pray Your Most Excellent Majesty, that it may be enacted and ordained by Your Majesty's said Chief Governor, by and with the Advice and Consent of Your Majesty's said Council and Assembly of this Island *Antigua*; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That there shall be, duly and constantly, paid, by the Treasurer of this Island for the time being, out of the Funds herein-after appropriated for that Purpose, unto his said Excellency, or unto his Order, the yearly Sum of one thousand Pounds, current Gold or Silver Money; and so in Proportion for a less time than a Year; by four even or equal quarterly Payments, to commence from the fourteenth Day of this present Month of *February*, being the Time of his said Excellency's Arrival in his Government, and to continue to be paid for and during such Time or Times, as his said Excellency shall be or remain within his said Government, without any further Order from the Public of this Island,

Annuity of
1000*l.* in quar-
terly Portions,
to commence
14. Feb. 1801,
to be paid to
his Excellency
Lord *Laving-*
ton, Captain-
General of
Leew. I.
during his
Government.

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Island, notwithstanding any Act of this Island, or other Matter to the contrary.

II. And be it also enacted and ordained by the Authority aforesaid, that a yearly Sum of Money not exceeding the Sum of three hundred Pounds, current Gold or Silver Money, and so in proportion for a less time than a Year, shall be also paid by the said Treasurer unto his said Excellency, or, in case of his Absence from his Government, unto the Person who shall, during such Absence, be Commander-in-Chief for the time being of this Island *Antigua*, and be resident therein, for the Purpose of defraying the Hire or Expense of a proper and convenient Dwelling-house, or Habitation, for the Accommodation of his said Excellency, or, during his Absence, the Person who shall be Commander-in-Chief of this Island for the time being, during his or their actual Residence therein, until a proper Government-House shall be built or provided by the Public of this Island, without any further Order or Authority, and notwithstanding any Act of this Island, or other Matter to the contrary.

Annuity of 300l. *max.* to be paid in like manner, to his Excellency, or, in his Absence, to Chief temporary Commander, for Habitation till Government-House built.

III. And for the better Support of the Dignity of his said Excellency, or such other Person or Persons, who, during his Absence, shall command-in-chief in this Island *Antigua*; be it also enacted and ordained by the Authority aforesaid, That the Treasurer of this Island *Antigua* for the time being, shall, duly and constantly, pay unto his said Excellency, or unto his Order, during his Residence in his said Government, the further yearly Sum of seven hundred Pounds, current Gold or Silver Money, and so in proportion for a less time than a Year, by four even quarterly Payments, to commence from the said fourteenth Day of *February*; and, in case of the Absence of his said Excellency from his said Government, the said Treasurer shall also pay the like yearly Sum of seven hundred Pounds, and so in proportion for a less time than a Year, unto the Person or Persons who shall, from time to time, be Commander or Commanders-in-Chief of this Island *Antigua*; the said yearly Sum of seven hundred Pounds to commence and begin to be paid, from the Time such Command shall happen to devolve upon such Person or Persons; and to continue to be paid, for and during his and their Continuance in the said Command, and ACTUAL RESIDENCE IN THIS ISLAND, and no longer; and that this Act shall be a sufficient Authority to the said Treasurer, for making such Payments, notwithstanding any former Act of this Island, or other Matter to the contrary.

Further Annuity of 700l. commencing and payable as Annuity in S. 1. to be paid to his Excellency; or, in his Absence, to temporary Commander of *Leew. I.* during his Government, and actual Residence in *ANTIGUA*.

IV. And be it also enacted and ordained by the Authority aforesaid, That the Monies herein-before directed to be paid by the said

Annuities to be paid by Treasurer

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N^os. 552, 553.

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from Revenue
arising under
Acts No. 483.
S. 1. 2. and
No. 456.

If specified
Funds insuffi-
cient, from
other Monies
in Treasury.

Treasurer, shall, in the first place, be raised and defrayed, out of the Monies arising, or which shall, from time to time, arise, from the Taxes, Impositions, or Fines, assessed or imposed by an Act or Acts of this Island, upon the Possessor or Possessors, of Slaves, for or upon account of the Deficiency of white Servants, or White Persons, in proportion to the Number of such Slaves; and Monies arising, or which shall from time to time arise, from any Duties or Fines imposed upon the Retailers or Sellers of Rum: AND if such Monies shall be deficient for that Purpose; then, such Deficiency shall be paid out of the public Treasury of this Island, by or with any other Monies which shall, from time to time, be paid unto, or come into the Hands of the said Treasurer, without further Order or Warrant: any former or other Act of this Island, or other Matter to the contrary, notwithstanding.

Dated at *Antigua*, the twenty-sixth Day of *February*, in the Year of our Lord one thousand eight hundred and one, and of His Majesty's Reign the forty-first.

JAMES ATHILL, *Speaker*.

Passed the Assembly, this twenty-sixth Day of *February*, one thousand eight hundred and one.

Passed the Council, this twenty-sixth Day of *February*, one thousand eight hundred and one. By Command,

JOHN HILL,
Clerk of the Assembly.

WILLIAM MATHEWS,
Deputy Secretary.

Passed by the Captain-General and Governor-in-Chief, the twenty-sixth Day of *February*, one thousand eight hundred and one.

LAVINGTON. (L. S.)

Published, this twenty-eighth Day of *February*, one thousand eight hundred and one.

JOHN ROBERTS, *Dep. Pro. Marshal.*

No. 553.
ABSORBED in
later Act of
Revival of 30th
March, 1803.
(No. 573.)
See

An Act for reviving and continuing an Act, intituled, An Act for laying certain Duties on Licenses, to be taken out by all Persons acting as Tavern Keepers, Punch-

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Punch-house Keepers, or Retailers of Wines, Rum, or other Liquors; and imposing Duties on Rum, Cordial Waters, and other Strong Waters sold by Retail; and for applying the same.

*See Act of 6th
Sept. 1788,
(No. 456,) with Notices
of Acts in
force.*

WHEREAS an Act, intituled, *An Act for laying certain Duties on Licenses, to be taken out by all Persons acting as Tavern Keepers, Punch-house Keepers, or Retailers of Wines, Rum, or other Liquors; and imposing Duties on Rum, Cordial Waters, and other Strong Waters sold by Retail; and for applying the same; dated at Antigua, the sixth Day of September, in the Year of our Lord one thousand seven hundred and eighty-eight; and continued and amended by an Act, intituled, An Act for continuing and amending an Act for laying certain Duties on Licenses, to be taken out by all Persons acting as Tavern Keepers, Punch-house Keepers, or Retailers of Wines, Rum, or other Liquors; and imposing Duties on Rum, Cordial Waters, and other Strong Waters sold by Retail; and for applying the same, dated at Antigua, the twenty-third Day of October, in the Year of our Lord one thousand seven hundred and eighty-nine; and revived, continued, and amended by an Act, intituled, An Act for reviving, continuing, and amending an Act, intituled, An Act for laying certain Duties on Licenses, to be taken out by all Persons acting as Tavern Keepers, Punch-house Keepers, or Retailers of Wines, Rum, or other Liquors; and imposing Duties on Rum, Cordial Waters, and other Strong Waters sold by Retail; and for applying the same, dated at Antigua, the fourteenth Day of January, in the Year of our Lord one thousand seven hundred and ninety-one; and revived, amended, and further continued, by an Act, intituled, An Act for reviving, amending, and further continuing an Act, intituled, An Act for laying certain Duties on Licenses, to be taken out by all Persons acting as Tavern Keepers, Punch-house Keepers, or Retailers of Wines, Rum, or other Liquors; and imposing Duties on Rum, Cordial Waters, and other Strong Waters sold by Retail; and for applying the same, dated at Saint Christopher's, the twenty-second Day of April, in the Year of our Lord one thousand seven hundred and ninety-six; and further continued by an Act, intituled, An Act for further continuing an Act for laying certain Duties on Licenses to be taken out by all Persons acting as Tavern Keepers, Punch-house Keepers, or Retailers of Wines, Rum, or other Liquors; and imposing Duties on Rum, Cordial Waters, and other Strong Waters sold by Retail; and for applying the same, dated at Saint Christopher's, the fifth Day of April, in the Year of our Lord one thousand*

No. 456.

No. 462.

No. 474.

No. 503.

No. 534.

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No. 553.

A. D. 1801.

No. 543.

sand seven hundred and ninety-nine; and further continued by an Act, intituled, *An Act for further continuing an Act, intituled, An Act for laying certain Duties on Licenses, to be taken out by all Persons acting as Tavern Keepers; Punch-house Keepers, or Retailers of Wines, Rum, or other Liquors; and imposing Duties on Rum, Cordial Waters, and other Strong Waters sold by Retail; and for applying the same*, dated at *Antigua*, the eighth Day of *March*, in the Year of our Lord one thousand eight hundred, did expire at the Meeting of the Council and Assembly of this Island, next after the eighth Day of *March*, in this present Year one thousand eight hundred and one; We, therefore, Your Majesty's loyal and obedient Subjects, the Captain-General and Governor-in-Chief in and over all Your Majesty's *Leeward Caribbee* Islands in *America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, do humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That the said first mentioned Act, and also all and every Clause and Sections contained in all or any of the said other Acts herein-before mentioned, whereby the said first mentioned Act is altered, added to, or amended, shall be revived and continued; and the same are hereby revived and continued in full force, for the Space or Term of *one Year* from the Date of this Act, and, from thence, to the next Meeting of the Council and Assembly of this Island.

Dated at *Antigua*, the second Day of *April*, in the Year of our Lord one thousand eight hundred and one, and of His Majesty's Reign the forty-first.

JAMES ATHILL, *Speaker*.

Passed the Assembly, this twenty-sixth Day of *March*, one thousand eight hundred and one.

Passed the Council, this twenty-sixth Day of *March*, one thousand eight hundred and one.

JOHN HILL,
Clerk of the Assembly.

By Command,

WILLIAM MATHEWS,
Deputy Secretary.

Passed by His Excellency, the Captain-General the second Day of *April*, one thousand eight hundred and one.

LAVINGTON.

(L. S.)

41st GEO. III.

Nis. 553, 554.

A. D. 1801.

ANTIGUA. Published this third Day of *April*, one thousand eight hundred and one.

JOHN ROBERTS, *Dep. Pro. Marshal.*

An Act for laying a Duty on Muscovado Sugar sold by Retail; and, applying the same. No. 554.

WHEREAS, of late Years, considerable Quantities of *Muscovado* Sugar have been stolen and plundered, by Slaves belonging to Sugar Plantations, as well as by Persons employed, in Droughers and Shallops, to carry Produce from the Plantation to the Towns or Shipping-places; and it has been found by Experience, that such Slaves are encouraged, in such Thefts and Robberies, by Receivers who purchase such Sugar privately from them, and again retail it in the Market-places and Shops; We, Your Majesty's dutiful, loyal, and obedient Subjects, the Captain-General and Governor-in-Chief in and over all Your Majesty's *Leeward Caribbee* Islands in *America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, most humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That, from and after the Publication of this Act, all Shop-keepers and other Retailers, who shall sell any less Quantity of *Muscovado* Sugar than one hundred Pounds at one time, shall pay the Sum of Sixpence, for every hundred Pounds of *Muscovado* Sugar so sold by them.

II. And be it, and it is hereby enacted by the Authority aforesaid, That no Person or Persons whatsoever, either in Town or Country, shall sell any *Muscovado* Sugar, in less Quantity than herein-before mentioned, without first obtaining a License for six Months, under the Hand and Seal of the Treasurer of this Island, or his lawful Deputy; and the Person or Persons to whom such License is granted, shall enter into Bond, with one Security, in the Treasurer's Office, in the Sum of fifty Pounds, to account upon Oath, as herein-after directed, for the Payment of the Duty imposed by this Act; and shall pay for such License to the Treasurer, or his Deputy, the Sum of four Shillings, current Money of this Island: and in case any Person or Persons shall retail any Sugar, contrary to this Act, without having, first, obtained a License, and

PREAMBLE.

ACT.
Retailers of
Muscovado
Sugar, selling
less than
100*lb.* at once,
to pay Six-
pence per
100*lb.* on
Quantity
sold.

Person selling
less *Muscova-*
do Sugar, than
100*lb.* at
once, without
first obtaining
from Treasur-
er, License
for six
Months, and
entering into
Bond, with
Surety, in
50*l.* to ac-
count as in
Clause;—on
Conviction by
Free Witness,
to forfeit, first
Offence, 50*l.*;
second

given

41st GEO. III.

No. 554.

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second, 100/;
third, 150/.
min. 300/.
max.

Treasurer's
Fee for Li-
cense, 4s.

Account eve-
ry three Cal.
Months.

OATH.

given Security as aforesaid, he, she, or they, being convicted before any one Justice of this Island, by the Oath of any White or Free Person, shall, for the first Offence, forfeit the Sum of fifty Pounds; for the second Offence, one hundred Pounds; and, for the third Offence, be bound over to Sessions, there to be fined by the Court in any Sum not less than one hundred and fifty Pounds, or more than three hundred Pounds, current Money:—And every Person who shall so obtain a License for retailing Sugar, shall, every three Calendar Months, render an Account on Oath,—stating the Quantity so sold by Retail, and also stating when, and from whom, or from what Estate, such Quantity had been purchased by such Retailer; and pay the Duty aforesaid to the Treasurer, or his lawful Deputy: which Oath shall be as follows:

I [A. B.] do solemnly swear, that I have weighed all the Sugar retailed by me for three Calendar Months past, for which I am now to pay the Duty, and the same did amount to Pounds, and no more; that I have not, nor hath any Person for me, sold or retailed any more than the before-mentioned Quantity for the said three Calendar Months; and that I have purchased the said Quantity as follows, videlicet: [here specify from whom, or from what Estate, and at what Times.]

So HELP ME GOD.

Treasurer to
bring before
him, by War-
rant, Person
refusing to
account and
pay Duty;
and to commit
him if per-
sisting in Re-
fusal to Com-
mon-jail, till
compliant.

To sue Bond.

Person ac-
counting
falsely, in-
dictable for
Perjury.

III. And be it enacted by the Authority aforesaid, That if any Person or Persons, after having obtained a License, shall refuse or neglect to give an Account upon Oath, and pay the Duty to the Treasurer as aforesaid; the Treasurer, or his lawful Deputy, is hereby authorized and required, to issue his Warrant to bring such Person or Persons before him; and in case such Person or Persons will not account for the Quantity on Oath, and pay the Duty as before directed, he, she, or they shall be committed to the Common-jail of this Island, there to remain until an Account is given-in on Oath, and the said Duty paid by the Principal, or Security: AND the Treasurer, or his Deputy, shall sue the Security-bond, in any of His Majesty's Courts of Record in this Island, for the Penalty of the said Bond, if the said Duty be not immediately paid; wherein no Essoign, Protection, or Wager of Law shall be allowed the Defendants or either of them: AND in case a false Account, or Return, of Sugar so sold by Retail, shall be given-in, such Person or

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No. 554.

A. D. 1801.

or Persons, shall be bound-over to the next Sessions, there to be prosecuted as in Cases of wilful Perjury.

IV. And be it further enacted by the Authority aforesaid, That all Persons who shall barter, truck, or exchange any Sugar for Hogs, Goats, or Fowls, or any other Article whatever, in smaller Quantities than one hundred Pounds, shall be deemed RETAILERS of Sugar, within this Act, and shall be liable to the Duty aforesaid, and all Penalties imposed by this Act for retailing Sugar without License.

Barterers of Sugar, in less Quantities than 100lb. for Hogs or other Commodity; deemed Retailers within Act.

V. And be it enacted and ordained by the Authority aforesaid, That if any Slave shall be found selling any Sugar, Syrup, or Molasses, Sugar-cakes, or any other Composition made with raw Sugar, Syrup, or Molasses, or carrying any such about for Sale or otherwise, without a Note, in Writing, from his or her Owner or Director; the said Articles so found in his or her Possession shall, on Conviction before a Justice of the Peace, be forfeited to the Person prosecuting; and the Slaves so offending, shall be sentenced to such Correction, as to the said Justice shall appear proper.

If Slave sell or offer to sell Sugar, or Composition from Sugar, without Note from Director; Sugar liable to seizure on Conviction of Slave; Slave to be corrected as Justice deems proper.

VI. And whereas it is not the chief Intention of this Act to raise a Revenue, and the Duties laid hereby on Sugar sold by Retail are so small, that but little Money will be received into the Treasury in consequence thereof, although much additional Trouble will arise to the Treasurer: Therefore, be it further enacted by the Authority aforesaid, That the Treasurer shall have, and retain to himself, out of the Monies arising from this Act, for his Trouble in levying and collecting the Duties, the Sum of fifty Pounds *per Centum*, besides the License-Fee, which shall be in full of all Demands for any Services done by him, relating to the securing and collecting the Tax hereby laid.

Treasurer to retain 50 *per Cent.* on Collection; which, with License-Fee, to be in full for Services under Act.

VII. And be it further enacted by the Authority aforesaid, That all Fines imposed by this Act, in consequence of Information, shall be paid one half to the Informer and the other half to the Public Treasury; and in case the same shall not be paid in five Days, the Person or Persons so offending, shall be committed to the Common-jail by the Justices, or Treasurer, as aforesaid, until the same be paid; and all other Monies arising from this Act, and not already disposed of, shall go into the Public Treasury, and be applied to Public Uses.

Fine to go half to Informer; half to Treasury.

If not paid in five Days, Offender to be committed.

Revenue under Act to go into Treasury.

VIII. And be it enacted and ordained by the Authority aforesaid, That this Act shall be and continue in force for three Years from the

the

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Nis. 554, 555.

A. D. 1801.

the Publication thereof, and, from thence, to the next Meeting of the Council and Assembly of this Island.

Dated at *Antigua*, the fifteenth Day of *April*, in the Year of our Lord one thousand eight hundred and one, and of His Majesty's Reign the forty-first.

JAMES ATHILL, *Speaker*.

Passed the Assembly, this ninth
Day of *April*, one thousand
eight hundred and one.

{ Passed the Council, this ninth
Day of *April*, one thousand
eight hundred and one.

JOHN HILL,
Clerk of the Assembly.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

Passed the Captain-General, this fifteenth Day of *April*, one thousand eight hundred and one.

LAVINGTON. (L. S.)

ANTIGUA. Published, this sixteenth Day of *April*, one thousand eight hundred and one.

JOHN ROBERTS, *Dep. Pro. Marshal.*

No. 555. *An Act to repeal certain Clauses in an Act, passed the ninth Day of June, one thousand seven hundred and forty-eight, intituled, An Act for compleating, executing, confirming, and establishing certain Contracts, of a Committee of the Council and Assembly and the Treasurer of this Island of Antigua, for erecting a public Court-house; and appropriating the same Court-house, when built, to certain Public Uses; and for indemnifying the said Committee and Treasurer,*

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No. 555.

A. D. 1801.

Treasurer, upon account of entering into the same Contract; and for repaying certain Monies lent, upon the public Faith, towards carrying on the said Court-house; and for borrowing Monies to compleat the same; and for raising a Fund for defraying the Expenses of the said Building, and other the aforesaid Purposes; and for appointing and ascertaining a Place, to be the lawful Market-place, for the said Town of *Saint John*.

WHEREAS it hath been thought expedient, by concurring Resolutions of the Council and Assembly of this Island, to remove the Records of the Secretary's Office of this Island, from the Upper Room in the Return of the East End of the Court-house, where they are now deposited; and to lodge the same, hereafter, in one of the Apartments of the South West Wing of the Guard-house and Arsenal of this Island; and to appropriate the said Upper Room in the said South East End of the Court-house, as a Chamber for the Reception of the Governor, or Commander-in-Chief, whenever he may think fit to retire from the Council-chamber, at the Meetings of the Legislature of this Island: but whereas it is found, that this intended Measure cannot be carried into Execution, without acting repugnantly to certain Provisions and Directions, now contained in some Clauses of the herein-above recited *Act for erecting a public Court-house*: In order, therefore, to obviate the same, and to carry into legal Effect, the Purposes and Intentions contained in the said Resolutions; We, your Majesty's most dutiful and loyal Subjects, the Captain-General and Governor-in-Chief in and over all Your Majesty's *Leeward Caribbee Islands in America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, most humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That, from and after the Date and Publication of this Act, the fifteenth, sixteenth, and seventeenth Clauses or Sections of the Act, intituled, *An Act for compleating, executing, confirming, and establishing certain Contracts, of a Committee of the Council and Assembly and the Treasurer of this Island of Antigua, for erecting a public Court-house; and appropriating the same Court-house, when built, to certain public Uses; and for indemnifying the said Committee and Treasurer,*

PREAMBLE.

ACT.
So much of
S. 15. 16. 17.
of Act No.
200. as relates
to keeping the
Records of
the Secretary's
Office in the
Upper Room
in the Returns
at the East
End

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3 E

upon

End

End of Court-
house; re-
pealed.

upon account of entering into the same Contract; and for repaying certain Monies lent, upon the public Faith, towards carrying on the said Court-house; and for borrowing Monies to compleat the same; and for raising a Fund for defraying the Expenses of the said Building, and other the aforesaid Purposes; and for appointing and ascertaining a Place, to be the lawful Market-place for the said Town of Saint John, whereby the keeping of Records of the said Secretary's Office in the said Upper Room, in the Returns of the said East End of the Court-house, is expressly directed and ordained, shall be, and is hereby declared to be, and shall stand totally repealed, to all Intents and Purposes: Provided always, and it is the true Intent and Meaning of this Act, that all and every other Matter and Thing that may be contained in the said fifteenth, sixteenth, and seventeenth Clauses, or in any other Part of the said Act, not in any manner relating to the said Upper Room in the said East End of the Court-house as aforesaid, shall be, and continue to remain in full Force, Effect, and Virtue.

Apartment in
South West
Wing of
Guard-house
and Arsenal,
to be the De-
positary for
Secretary's
Records.

II. And be it, and it is hereby enacted and ordained by the Authority aforesaid, That from and after the Passing and Publication of this Act, the aforesaid Apartment, in the said South West Wing of the Guard-house and Arsenal, shall be the proper Room for depositing and keeping of the said Records, in the same Manner as the said Upper Room in the East End of the Court-house hath been, heretofore, used and declared to be a proper Depository thereof, and shall be under the Direction of the Secretary of this Island for the time being, or his lawful Deputy.

Dated at *Antigua*, the twenty-first Day of *April*, in the Year of our Lord one thousand eight hundred and one, and of His Majesty's Reign the forty-first.

JAMES ATHILL, *Speaker*.

Passed the Council, the eighth
Day of *January*, one thou-
sand eight hundred and one.

Passed the Assembly, this six-
teenth Day of *April*, one
thousand eight hundred and
one.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

JOHN HILL,
Clerk of the Assembly.

Passed

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Nis. 555, 556.

A. D. 1801.

Passed by the Captain-General and Governor-in-Chief, this twenty-first Day of *April*, one thousand eight hundred and one.

LAVINGTON. (L. S.)

Published, this twenty-first Day of *April*, one thousand eight hundred and one.

JOHN ROBERTS, *Dep. Pro. Marshal.*

An Act to repeal an Act, intituled, An Act for the more easily and effectually cleaning, repairing, and keeping clean and in repair, the Streets, Lanes, Alleys, and other Passages in the Town of *Saint John*; and for the better regulating and amending the said Streets, Lanes, Alleys and other Passages, in the said Town of *Saint John*. No. 556.

WHEREAS the several Acts now in force in this Island, for repairing and amending the Streets in the Town of *Saint John*, have been found defective and inefficacious for the Purpose intended thereby; in consequence of which, the Streets in the said Town have been greatly neglected, and many of them have become almost impassable: In order, therefore, to remedy such Inconveniencies, and for the better regulating and amending the Streets in future; We, your Majesty's most dutiful and loyal Subjects, the Captain-General and Governor-in-Chief of Your Majesty's *Leeward Caribbee Islands* in *America* for the time being, and the Council and Assembly of this Your Majesty's Island *Antigua*, humbly pray Your Most Excellent Majesty, That it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That from and after the Publication of this Act, an Act intituled, *An Act to explain and amend an Act, intituled, An Act for the more easily and effectually repairing and keeping clean and in repair the Streets, Lanes, Alleys, and other Passages in the Town of Saint John*, dated the thirty-first Day of *December*, in the Year of our Lord one thousand seven hundred and ninety, shall be, and the same is hereby repealed.

PREAMBLE.

ACT.
No. 473, re-
pealed.

Two Mem-
bers to be ap-
pointed from
Council; and
five, from As-
sembly,—as
Commission-
ers to superin-
tend cleaning
and repairing
Streets of *St.*
John; with
Powers as in
Clause.

One of Coun-
cil, and two of
Assembly,
sufficient to
act.

Place of Com-
missioner dy-
ing or quitting
Antigua, to
be filled at
next Meeting
of Council
and Assembly.

Commission-
ers to issue
Warrants be-
tween 1st *Aug-*
ust and 1st
October year-
ly, to Over-
seers appoint-
ed under S. 2.

FORM of
Warrant.

II. And be it enacted and ordained by the Authority aforesaid, That two Members of the Council, and five Members of the Assembly, shall be immediately appointed, by both Houses, to act as a Board of Commissioners, to superintend, direct, and order the cleaning and repairing the several Streets of the Town of *Saint John*, in such Manner, and under such Regulation as they, in their Discretion, shall think proper, with Power and Authority to draw, upon the Treasurer, for Payment of the Expenses attending the same, and with Power and Authority, also, to appoint one or two skilful Overseers, with Wages not exceeding the Rate of two hundred Pounds each *per Annum*, to carry into Execution all Orders which they may, from time to time, issue for the Purposes aforesaid; three or more of the said Commissioners, provided one be of the Council and two be of the Assembly, to be sufficient at any Time for transacting Business: AND in case it should happen, that either of the said Commissioners should die, or depart from the Island, the Place of such Commissioners, so dying or departing the Island, shall be filled at the first Meeting of the Council and Assembly, which may thereafter happen, by the respective House to which such Member may have belonged.

III. And be it enacted and ordained by the Authority aforesaid, That the said Commissioners shall have full Power and Authority, and they are hereby required and directed, at any time between the first Day of *August* and the first Day of *October*, in every Year during the Continuance of this Act, to issue Warrants under their Hands and Seals, or under the Hands and Seals of any three or more of them, directed to the Overseers before-mentioned, in the Words and Form following.

YOU are hereby authorized and required, immediately on the Receipt hereof, to make out a due List, of all the Tenements, Houses, and unbuilt Proportions or Parcels of Land, which are situate in any of the Streets, Cross-streets, and Lanes in the Town of *Saint John*, within the District to which you are appointed an Overseer; specifying, in the said List, the Names of the Owners or Possessors, being resident in this Island, and of full Age, and the present Tenants' Names thereof; and in case of any Owners' or Possessors' not being Residents nor of full Age, the Names of the Persons, by whom such non-resident or infant Owners are legally represented, either as Attornies, Trustees, or Guardians residing in this Island: and you are hereby further authorized and required, to summon or cause to be summoned the said Owners or Possesors, being resident and of full Age,

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Age, and the Attornies, Trustees, or Guardians, residing in this Island, of such Owners or Possessors as are Non-residents or Infants, requiring them to be and appear at the Court-house in the Town of Saint John before us, the said Commissioners on the Day of then and there to give an Account of the yearly Rent, Income, or Value of all and singular the Tenements, Houses, and unbuilt Proportions and Parcels of Land belonging to them, as Owners or Possessors thereof, or belonging to any other Person or Persons to whom they are Attornies, Trustees, or Guardians, or otherwise the legal Representatives of: and all Persons so summoned by you are hereby required, to pay due Obedience thereto, as they will answer the contrary at their Peril: Or to the like Purport and Effect: Which Warrants, with the Lists so made out by the Overseers, shall be made returnable, at the Court-house in the Town of Saint John, to the said Commissioners, or any three or more of them who shall attend for that purpose, at any time they shall appoint, within ten Days from the Date of such Warrants.

Returnable to Commissioners at Court-house at Time by them appointed, to be in ten Days from Date.

IV. And be it further enacted and ordained by the Authority aforesaid, That the Overseer or Overseers, at the Time of making his or their Return, shall make and subscribe an Affidavit at the Foot thereof, before the said Commissioners, who shall attend for that purpose, and who are hereby authorized and required, to administer the Oaths thereto, in the following Words.

Commissioners to attend at making Return, and administer Oaths.

I [A. B.] do swear that the Return or List made and delivered-in by me, is a just and true Account of all the Tenements, Houses, and unbuilt Proportions, or Parcels of Land, within the District in the Town of Saint John of which I am appointed Overseer; and that I have not, wilfully or knowingly, omitted any Tenements, Houses, or unbuilt Proportions, or Parcels of Land, within the said District; and, according to the best of my Knowledge and Belief, the Names specified in the said Return, are the Names of the Owners, Possessors, and Tenants, and the Names of the Attornies, Trustees, and Guardians, or other legal Representatives, of the absent, or infant, Owners of the said Tenements, Houses, and unbuilt Proportions, or Parcels of Land; and that the said Owners, Possessors, Tenants, Trustees, Guardians, and other legal Representatives, whose Names are inserted in the said List, have been duly summoned, according to the Precept of the annexed Warrants.

OATH of Overseer.

And all such Persons, so summoned, shall take the following Oath before the said Commissioners, or a Majority of them, who are hereby authorized to administer the same, that is to say:

I

OATH of
Person sum-
moned.

I [A. B.] do swear, that I will, without Fraud or Deceit, give a just and true Account of the Number, and yearly Rent and Value, of all and singular the Tenements, Houses, and unbuilt Proportions, or Parcels of Land, in the Town of Saint John, whereof I am, at this Time, Owner or Possessor, in my own Right or otherwise; and that I will, truly, answer all such Questions as shall be asked of me, touching the Rent or annual Value, of all and singular the Tenements, Houses, and unbuilt Proportions, or Parcels of Land, of such other Person or Persons to whom I am Attorney, Trustee, or Guardian, or in any other respect the legal Representative of.

So HELP ME GOD.

Houses or un-
built Propor-
tions belong-
ing to Absen-
tees or Minors
without Re-
presentatives,
Commission-
ers may rate
by Oaths of
two Persons
conversant
with annual
Value:

reckoning no
unbuilt Pro-
portion at less
than 10*l.* per
Annum.

Owners,
Trustees, or
Representa-
tives, named
in Return,
and not ap-
pearing ac-
cording to
Commission-
ers' Warrant,
to be fined not
exceeding
10*l.*

V. And be it, and it is hereby enacted and ordained by the Authority aforesaid, That if any Tenements, Houses, or unbuilt Proportions, or Parcels of Land, in the said Town of *Saint John*, shall be found to belong to Persons not resident in the said Island, and not known to be represented by any Attornies or Trustees,—or to belong to Minors, not represented by Guardians or other legal Representatives residing in this Island,—then and in such case, the said Commissioners, or any three or more of them, one being of the Council, may, and are hereby empowered and required to assess and fix a Rate upon any such Tenements, Houses, and unbuilt Proportions, or Parcels of Land, by the Oath of any two Persons, conversant with the annual Value thereof, and according to the best of their Knowledge, Information, or Belief: Provided that no unbuilt Proportions of Land, whatsoever, shall be rated or valued, at less than ten Pounds *per Annum*, and so in proportion for more or less than one Proportion of Land, as the same hath been, already, fixed and determined by the Laws of this Island.

VI. And be it further enacted by the Authority aforesaid, That if any Owners or Possessors, residing in this Island, or the Attorney or Attornies, or Trustees, or other legal Representatives residing in this Island, of any Owner or Possessor of Tenements, Houses, or unbuilt Proportions, or Parcels of Land in the said Town, whose Names shall be inserted in the List returned by either of the Overseers as before directed, shall neglect or refuse to appear, at the Time and Place required by the said Warrant of the said Commissioners; then and in such case, such Persons, so neglecting or refusing to attend, shall be fined by the said Commissioners, or any three or more of them, in any Sum not exceeding the Sum of ten Pounds, current Gold and Silver Money of the said Island, to be levied,

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levied, at the Expiration of fourteen Days, upon the Goods, Chattels, Lands, Tenements, or Slaves belonging to such Defaulters, by Warrant under the Hands and Seals of the said Commissioners, or a Majority of them, directed to the Provost Marshal of the said Island, or his lawful Deputy; which said Goods and Chattels, Lands, Tenements, or Slaves, so to be levied-upon, if not redeemed by Payment,—or if such Defaulter shall not, within fourteen Days after, make it appear upon his Oath, or the Oath of some credible Person or Persons, before the said Commissioners, or a Majority of them, that such Default proceeded from Sickness, or sudden Call from this Island, in which case such Defaulter shall be exempt from the Payment of the said Fine,—the same shall be publicly sold for the Payment thereof, together with ten *per Cent.* by way of Poundage, to the Provost Marshal, for his Trouble in making such Levy and Sale: and the Provost Marshal, or his lawful Deputy, upon the Receipt of such Fine, shall, immediately, pay the same into the Hands of the Treasurer of the said Island, to be applied to the Repairs, and keeping in order the Streets and Lanes, in the Town of *Saint John*, in the said Island: AND if any Person or Persons shall be fined, or exempted from Payment of such Fines, in manner aforesaid, he, she, or they shall be still liable to such Rate or Assessment, as shall be made by the said Commissioners, or a Majority of them, according to the annual Value of their Tenements, Houses, or unbuilt Proportions, or Parcels of Land, to be estimated by the Oath of one or more credible Person or Persons.

VII. And be it further enacted by the Authority aforesaid, That upon ascertaining the annual Rent or Value of the several Tenements, Houses, and unbuilt Proportions, and Parcels of Land, in the said Town of *Saint John*, by the Oath of the said Owners or Possessors, or their Representatives, or by the Oaths of any other Persons as herein-before directed; the said Commissioners, or a Majority of them, who shall attend for the administering of the said Oaths, shall and may, and are hereby authorized, immediately to proceed to assess such Houses, Tenements, and unbuilt Proportions, and Parcels of Land, at such Rate as to them the said Commissioners, or a Majority of them, shall seem expedient, for the Purpose of raising a Fund for amending the said Streets, Cross-streets, and Lanes, in the said Town of *Saint John*, or for keeping the same in Repair, according to the true Intent and Meaning of this Act; provided such Assessment or Rate, does not exceed the Sum of five Pounds *per Centum*, for every hundred Pounds of the said Rents, or annual

Leviable, at the End of fourteen Days, under Warrant to Marshal.

Defaulter exempt from Fine, if it appear on Oath, that Sickness or sudden Call from *Antigua* occasioned his Default.

Otherwise, if Payment not made, Goods to be sold for Fine, with ten *per Cent.* to Marshal.

Marshal to pay Fine into Treasury to Fund for repairing Streets.

Whether Fine paid or remitted, Defaulter liable to Assessment.

On ascertaining annual Value of Houses, and unbuilt Proportions, as in S. 3. 4. 5. Commissioners to raise Fund for repairing Streets by Assessment not exceeding five *per Cent.*

annual Value of the said Tenements, Houses, and unbuilt Proportions, and Parcels of Land, and so in proportion for every Sum less than one hundred Pounds.

Commissioners, in four Days after making Assessment, to return to Treasurer List signed and sealed, of Persons, Premises, and Sums assessed.

Treasurer to publish List in Newspapers; and to return to Marshal Persons not paying Assessment in twenty Days after; authorizing him to levy on Defaulters, and to pay Assessment recovered into Treasury, for repairing Streets.

Marshal entitled to usual Fees.

VIII. And be it further enacted by the Authority aforesaid, That the said Commissioners, or a Majority of them, shall, and they are hereby required, within four Days after such Assessment made, to return a List, certified under their Hands and Seals, of the Names of the Persons liable to the Payment of such Assessments, and the Streets where such Tenements, Houses, and unbuilt Proportions and Parcels of Land are situate, together with the Sum assessed upon each Tenement, House, and unbuilt Proportion, or Parcel of Land, to the Treasurer of the said Island, or his lawful Deputy, who is hereby directed and required, to publish the same, in either of the Newspapers of this Island, on the first Day of Publication thereof after such Return made: AND if the Person or Persons, whose Names are therein inserted, shall not, within twenty Days after Publication, pay the Amount of such Assessment, into the Hands of the Treasurer of this Island, or his lawful Deputy; then, and in such Case, the said Treasurer, or his lawful Deputy, is hereby authorized and required to make a Return of the Names of such Defaulters, together with the Sums so assessed, to the Provost Marshal of this Island, or his Deputy, with his Warrant authorizing the said Provost Marshal, or his lawful Deputy, immediately to levy upon the Goods and Chattels, Lands, Tenements, and Slaves of such Defaulters; and if such Assessment shall not be paid within ten Days after such Levy, to proceed to the Sale thereof by public Vendue, and to pay such Assessment, when received, into the Hands of the Treasurer, or his lawful Deputy, to be applied to the mending and keeping in Repair, the Streets, Lanes, and Cross-streets, in the said Town of *Saint John*: AND the Provost Marshal, or his lawful Deputy, shall be entitled to receive, from such Delinquent or Delinquents, the usual and customary Fees, upon Levies and Sales, under Warrants issued by the Treasurer.

IX. And whereas, from the unfortunate Calamities of Fire, the said Town of *Saint John* has, from time to time, suffered, very considerably, by the Destruction of many principal Buildings; and, for the want of Funds and the great Scarcity of Materials, the Proprietors of Lots of Land have not been able to rebuild their Houses, upon their former extensive Plans, by which the annual Sum, to be raised by Assessment upon the Houses, will be much less than it was before such Calamities took place; and the Funds arising therefrom, would

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No. 556.

A. D. 1801.

would be inadequate to the Purposes intended by this Act; be it, therefore, enacted by the Authority aforesaid, That, for every hundred Pounds, which shall be annually raised, by an Assessment upon the Houses and unbuilt Proportions of Land, in the said Town of *Saint John*, by virtue of this Act, and actually received into the Treasury of this Island, there shall be paid, out of the Public Funds of this Island, the Sum of one hundred Pounds, and so in Proportion for a lesser Sum, in aid of such Assessments, to be appropriated in like manner with such Assessments.

For every 100^l. raised by Assessment under Act; 100^l. to be advanced from Treasury in aid of Assessment and applied to same Object.

X. And, in order to prevent the Nuisances which daily happen in the Streets and Lanes, in the Town of *Saint John*, by the Inhabitants permitting or directing their Servants, or Slaves, to throw Dung, Rubbish, or Filth in such Streets or Lanes; be it, and it is hereby enacted by the Authority aforesaid, That, from and after the Publication of this Act, and during the Continuance thereof, the Dung, Rubbish, and Filth, of the said Town of *Saint John*, shall be thrown in such particular Place or Places as shall be appointed, from time to time, by the said Commissioners or a Majority of them: AND in case any of the said Inhabitants, after such Place or Places shall be so appointed, shall permit, order, direct, or suffer any of their Servants, or Slaves, to throw any Dung, Rubbish, or Filth into the Streets or Lanes of the said Town; such Inhabitant shall, upon Conviction thereof before a Justice of the Peace, forfeit and pay the Sum of five Pounds, current Money, for every such Offence; and if not immediately paid, to be recovered by Levy and Sale, by Warrant of such Justice, upon the Goods, Chattels, Lands, or Slaves of such Offender, and the Fine so recovered to be paid into the Hands of the Treasurer; to be applied to the Repairs, and keeping in order the Streets in the Town of *Saint John*.

Rubbish and Dirt in Town of *St. John*, to be thrown in particular Places appointed by Commissioners.

Inhabitant directing or permitting Servant or Slave to throw Rubbish elsewhere; to forfeit 5^l.

recoverable by Levy, under JUSTICE'S Warrant.

Fine to go into Treasury to Fund for Streets.

XI. And be it further enacted by the Authority aforesaid, That if any Owner or Proprietor, or the legal Representative of any Person, being Owner or Proprietor, of any unbuilt Proportion of Land, in the said Town of *Saint John*, shall permit or suffer any prickly Pears, Dung, Filth, or Rubbish whatsoever, to be thrown or deposited upon any such unbuilt Proportion, or Parcel of Land, and shall not remove the same, twenty-four Hours after Notice thereof, for that Purpose, given by either of the Overseers aforesaid; then, and in such Case, the Owner or Proprietor, or other legal Representative of such Owner or Proprietor, shall, upon Conviction thereof before the Commissioners or any three of them, be subject and liable, for the first Offence, to a Fine for such his Neglect or Refusal, not

Owner or Representative of Owner, not removing Rubbish, thrown on unbuilt Proportion, in twenty-four Hours after Notice from Overseers, to forfeit first Offence, 5^l. max. 50s. min. subsequent Offence, 10^l.

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Recoverable
by Levy, un-
der COMMIS-
SIONERS'
Warrant to
Marshal.

Fine to go into
Treasury to
Fund for
Streets.

Slave com-
mitted to Jail
for not dis-
closing his
Owner's
Name, to be
employed on
the Streets till
claimed.

Marshal to
give Notice in
twenty-four
Hours, of
Slave com-
mitted, &c.

Justice before
whom Slave
is convicted
for less Crime
than Felony
without Cler-
gy, may ad-
judge Slave to
labour, under
Commis-
sioners' Order,
on the Streets
for three
Months *max.*

Slaves labour-
ing under Act
on the Streets,
to be worked
in a Body, and
confined at
Night.

exceeding five Pounds, nor less than fifty Shillings; and, for every Offence of the like kind after, the Sum of ten Pounds, current Money; and upon Non-payment thereof, the same to be recovered by Levy and Sale of the Goods and Chattels, Lands, Tenements, or Slaves of the Person or Persons who shall make Default thereof, by Warrant under the Hands and Seals of the said Commissioners, or any three of them, directed to the Provost Marshal, or his lawful Deputy; and upon Receipt thereof, to pay the same into the Hands of the Treasurer of the said Island, or his lawful Deputy, for the amending and keeping in Repair, the Streets and Lanes, in the said Town of *Saint John*.

XII. And be it further enacted by the Authority aforesaid, That all Slaves who shall be taken-up and committed to the Common-jail of this Island, for not telling or making-known his or her Master's or Owner's Names, shall be employed in the amending, and keeping in repair the Streets and Lanes in the said Town of *Saint John*, until such Slaves shall be claimed by the Owner thereof: AND, upon the Commitment of any Slaves under the Description aforesaid, the Provost Marshal, or his lawful Deputy, shall, within twenty-four Hours after receiving such Slaves, give Notice thereof to the Commissioners, or a Majority of them; who are hereby empowered, by Order, in Writing, to direct the Overseers, or either of them, as they think proper, to receive and employ such Slaves in manner aforesaid.

XIII. And be it further enacted by the Authority aforesaid, That when any Slave or Slaves shall be brought before any Justice or Justices of the Peace, and shall be, lawfully, convicted of any Crime less than Felony without Benefit of Clergy; it shall and may be lawful for such Justice or Justices, before whom such Slave or Slaves shall be convicted, to order and adjudge, that such Slave or Slaves shall be kept to hard Labour, in amending and keeping in repair the Streets and Lanes in the Town of *Saint John*, under the Order of the Commissioners, or a Majority of them, for any time not exceeding three Months: And in all cases, where any Slave or Slaves shall be subject or made liable, by this Act, to work or labour upon the Streets, they shall be kept and worked in one Body; and shall be committed to the Common-jail of this Island every Evening after the Labour of the Day is over, to be closely confined, until the succeeding Day, or whenever else they shall be, by Order of the said Commissioners, or a Majority of them, directed to perform such Labour as aforesaid: AND the Provost Marshal, or his lawful

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No. 556.

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lawful Deputy, shall be entitled to have and receive, for the Confinement of such Slaves, the same Fees which he is entitled to for the Confinement of Slaves in other Cases; and which shall be charged to the Public in his Accounts: Provided nevertheless, that he shall be entitled to but one Fee, for the Commitment and Release of any Slave so committed.

Marshal's
Fees.

XIV. And whereas it often happens, that Negro and other Slaves, who have been duly convicted of Felonies, and thereupon sentenced to Death, receive a free Pardon from the Chief-Governor, or other Commander-in-Chief of the *Leeward* Islands, and escape without any Punishment; because, although their Offences might require some severe Correction, they are not thought deserving of Death; be it therefore enacted by the Authority aforesaid, That whenever the Governor, or other Commander-in-Chief shall think a Culprit, so convicted and sentenced as aforesaid, a fit Object of Mercy, and shall grant him a Pardon; he may annex to such Pardon a Condition, by which the Person or Persons, so pardoned, shall be compelled to work upon the Streets of *Saint John*, for such time as he shall think proper; and, in all such Cases, the Proprietor of such Slave or Slaves, so pardoned on Condition of working on the Streets, shall be entitled to receive one Shilling, for each Day, for each Slave that shall be so employed.

When Govern-
nor pardons
Slave, he may
annex to Par-
don, Condi-
tion that
Slave labour
on the Streets
for time ap-
pointed.
Proprietor to
receive 1s. per
Day.

XV. And whereas, in the original laying-out of the Town of *Saint John*, a large Space of Ground in the middle of *Ratcliff Street*, was appropriated to the Use of a public Pond, which Pond, having been found detrimental to the Healths of the Persons inhabiting near thereto and otherwise inconvenient, has been suffered to fill-up, and many Parts of it have been improperly and unjustifiably built upon; be it, therefore, enacted by the Authority aforesaid, That it shall and may be lawful for the Commissioners appointed under this Act, to direct and order the Overseers to clear away all Obstructions, and to open *Ratcliff Street* aforesaid, so as the said Street shall, henceforward, run from the Government Land Westward to the Sea: and the said Street, after being so opened, shall be amended and kept in repair in the same manner, and under the same Regulations, as the other Streets of the Town.

RATCLIFF
STREET.

XVI. And be it further enacted, by the Authority aforesaid, That it shall and may be lawful to and for the Commissioners, or a Majority of them, from time to time to draw upon the Treasurer of the said Island, or his lawful Deputy, for such Sums of Money as may be necessary, for defraying the Expenses attending the amend-

Commission-
ers may draw
on Treasurer
for Expenses,
not exceeding
the Funds
created by
Act.

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Commission-
ers to account
on Requisi-
tion of Legis-
lature.

ing and repairing the Streets and Lanes in the said Town of *Saint John*: Provided that such Sums do not exceed, in any one Year, the Funds which are by this Act particularly appropriated to that Purpose: And the said Commissioners are hereby directed and required, as often as it shall be demanded, to lay a State of their Accounts before both Houses of Legislature for their Inspection.

Dated at *Antigua*, the twenty-ninth Day of *July*, in the Year of our Lord one thousand eight hundred and one; and of His Majesty's Reign, the forty-first.

JAMES ATHILL, *Speaker*.

Passed the Assembly, this twenty-third Day of *April*, one thousand eight hundred and one.

Passed the Council, this sixteenth Day of *July*, one thousand eight hundred and one.

JOHN HILL,
Clerk of the Assembly.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

Passed by the Captain-General, the twenty-ninth Day of *July*, one thousand eight hundred and one.

LAVINGTON. (L. S.)

Published, this fifth Day of *August*, one thousand eight hundred and one.

JOHN ROBERTS, *Dep. Pro. Marshal.*

No. 557.
CONFIRMED
by the King in
Council, 16th
Aug. 1802.

An Act to alter and amend, in part, two certain Acts of this Island, passed in the Year one thousand seven hundred and fifteen, and one thousand seven hundred and thirty-two, for the purpose of constituting a Court of Chancery, and for establishing the Mode in which the said

41st Geo. III.

No. 557.

A. D. 1801.

said Court should be formed and held; and for declaring other Regulations and Provisions relating to the said Court.

WHEREAS, by one certain Act of this Island passed in the Year one thousand seven hundred and fifteen, it was, amongst other Things, therein contained, enacted, and ordained, That, from thenceforth, all and every Court or Courts of Chancery to be holden for this Island, should consist of the Captain-General, or Governor-in-Chief, of the *Leeward* Islands for the time being, and five or more of the Council of this Island; with a Proviso that in case any Person or Persons, who should be Counsellor or Counsellors of this Island, should happen to be Party or Parties in any Cause or Causes, which should be depending in the said Courts, that in such Case, the said Captain-General, or Chief-Governor, and any three Counsellors of this Island, should be a sufficient Number, to hear and determine all Matters in the said Court, in such Cause or Causes: And whereas, by one other Act of this Island, passed in the Year one thousand seven hundred and thirty-two, after reciting that the Necessity of the Presence of the Commander-in-Chief for holding the said Court of Chancery had proved the Cause of great Delay, it was thereby enacted and ordained, That so much of the said Act, passed in the Year one thousand seven hundred and fifteen, as restrained the Power of the King, His Heirs or Successors, from appointing who should preside in the said Court, should be repealed and made void: And whereas, by virtue of an Article of the Royal Instructions afterwards issued by His late Majesty King *George* the Second, it was thereby declared, or to that effect, That in the Absence of the Captain-General, Lieutenant-General, and Lieutenant-Governor of the said Island of *Antigua*, the President of the Council, or Commander-in-Chief, of the said Island should preside in the said Court: And whereas it hath often happened, that one or more Members of the Council as aforesaid, hath or have, in some Degree, been interested in the Event of some Cause or Causes, which have been depending in the said Court, without being actually Party or Parties thereto, but have, for that reason, properly, declined to sit, so as to hear and join in the Determination of such Cause or Causes: by reason whereof, and for the want of the Attendance, at such Times, of five other Members of the Council, not so interested in the Cause, the said Court could not, constitutionally, be formed in

PREAMBLE.

No. 150.

No. 188.

41st GEO. III.

No. 557.

A. D. 1801.

ACT.
If Member of
Council,
though not
named in Pro-
ceedings as
Party, be
Agent to Par-
ty, or inter-
ested in Suit;

Captain-Ge-
neral, or tem-
porary Go-
vernors, and
two Members
of Council, a
competent
Court; same
as directed by
No. 150, S. 8.
when Mem-
ber of Coun-
cil is directly
a Party.

When Com-
mander-in-
Chief absent,
and *Locum-te-
nens* interest-
ed; next Se-
nior resident
Member of
Council, and
two other
Members

in conformity to the aforesaid Acts,—to the Delay of the Business of the said Court; We, therefore, Your Majesty's most dutiful, loyal, and obedient Subjects, the Captain-General, and Governor-in-Chief in and over all Your Majesty's *Leeward Caribbee* Islands, and the Council and Assembly of this Your Majesty's Island of *Antigua*, do most humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That, from and after the Date and Publication hereof, in case any Member or Members of His Majesty's Council of this Island, although not named in any Bill, Answer, or other Process of the said Court as a Party or Parties, shall happen to be placed in the Capacity or Situation of Attorney, Agent, or Trustee to any Party or Parties, or shall be appointed Receiver, or Receivers; or shall, in any manner, be considered as interested in the Event of any Cause, or Causes, depending in the said Court, to be brought on for Hearing; that in such Case, the said Captain-General, or Governor-in-Chief, or Person presiding in this Island in the Chief Command for the time being, and any two Members of the Council of this Island, not so interested as aforesaid, shall be a sufficient Number to sit, hear, and determine all Matters in the said Court, in every such Cause or Causes; in the same manner, and to the same effect, as is directed in the Proviso, or third Section of the aforesaid Act of one thousand seven hundred and fifteen,—in cases where any Member or Members of the Council, shall happen to be Party or Parties, in any Cause or Causes before the said Court.

II. And whereas it hath happened, and may again happen, that, in the Absence of the Governor-in-Chief, or of the Commander-in-Chief for the time being, the Person appointed, in such case to preside in the said Court, by virtue of the aforesaid Article of Royal Instructions, may be either a Party, or be interested in some Degree, in manner above-mentioned, in some Cause or Causes depending and ready to be brought to a Hearing before the said Court: That, for the Prevention of Delay of Business which might in such Case happen, be it further enacted and ordained by the Authority aforesaid, That the next Senior resident Member of the Council of this Island to such Person so appointed to preside by the said Article of Instructions, not so interested as aforesaid, shall, on such Cause or Causes, with any other two Members of the said Council, not likewise interested as aforesaid, be a sufficient Number to sit, hear, and determine all Matters in every such Cause or Causes, and

ISLAND OF ANTIGUA.

407

41st GEO. III.

Nis. 557, 558.

A. D. 1801.

and to the same effect as before-mentioned in the foregoing Clause or Section of this Act ; any other Act, Law or Usage to the contrary thereof in any wise notwithstanding : Provided always, and it is hereby expressed and declared, That this Act shall not be in force, or have any effect or operation whatsoever, until approved and confirmed by His Majesty, and such Approbation and Confirmation shall have been duly signified and published.

Members not interested, a Court.

Act not to operate till confirmed.

Dated at *Antigua*, the fifteenth Day of *September*, in the Year of our Lord one thousand eight hundred and one, and of His Majesty's Reign the forty-first.

JAMES ATHILL, *Speaker*.

Passed the Council, this fourth Day of *June*, one thousand eight hundred and one.

Passed the Assembly, this tenth Day of *September*, one thousand eight hundred and one.

By Command,

WILLIAM MATHEWS,
Deputy Secretary.

PAUL HORSFORD,

Clerk of the Assembly.

Passed by the Captain-General, this fifteenth Day of *September*, one thousand eight hundred and one.

LAVINGTON.

(L. S.)

ANTIGUA. Published this seventeenth Day of *September*, one thousand eight hundred and one.

JOHN ROBERTS, *Dep. Pro. Marshal.*

An Act to alter and amend an Act, intituled, An Act for No. 558. altering and amending the second Clause of an Act, intituled, An Act for increasing the Number of White Inhabitants on this Island, made and passed on the eleventh Day of *February*, one thousand seven hundred and forty-one ; and for altering and amending

amending the tenth Clause of an Act, intituled, An Act supplementary to an Act, intituled, An Act for encouraging the Importation of White Servants to this Island, dated on the eleventh Day of *July*, in the Year of our Lord one thousand seven hundred and sixteen, and in the second Year of the Reign of our late Sovereign Lord George by the Grace of God of *Great Britain, France, and Ireland* King, Defender of the Faith, and so forth, and, also, to another Act, intituled, An Act for increasing the Number of White Inhabitants in this Island, dated the eleventh Day of *February*, in the fourteenth Year of the Reign of His present Majesty, and in the Year of our Lord one thousand seven hundred and forty, made and passed on the twenty-fifth Day of *April*, one thousand seven hundred and fifty-five.

PREAMBLE.

No. 483.

WHEREAS by the second Clause of an Act of this Island, intituled, *An Act for altering and amending the second Clause of an Act, intituled, An Act for increasing the Number of White Inhabitants on this Island, made and passed on the eleventh Day of February, one thousand seven hundred and forty-one; and for altering and amending the tenth Clause of an Act, intituled, An Act supplementary to an Act, intituled, An Act for encouraging the Importation of White Servants to this Island, dated on the eleventh Day of July, in the Year of our Lord one thousand seven hundred and sixteen, and in the second Year of the Reign of our late Sovereign Lord George, by the Grace of God of Great Britain, France, and Ireland King, Defender of the Faith, and so forth, and, also, to another Act, intituled, An Act for increasing the Number of White Inhabitants in this Island, dated the eleventh Day of February, in the fourteenth Year of the Reign of His present Majesty, and in the Year of our Lord one thousand seven hundred and forty, made and passed on the twenty-fifth Day of April, one thousand seven hundred and fifty-five, it is enacted, That, from and after the twenty-fifth Day of May then next after the Passing and Publication of that Act, instead of any
Owner,*

42d GEO. III.

No. 558.

A. D. 1801.

Owner, Renter, or Possessor of Slaves within this Island, and the Islands adjacent or thereto belonging, keeping and maintaining one able-bodied White Man for every thirty Slaves, he, she, or they shall own or possess,—such Owners, Renters, or Possessors of Slaves within this Island, and the Islands adjacent or thereunto belonging, should keep and maintain, for every forty Slaves, one able-bodied White Man of the Description mentioned and intended by the said recited Acts, or mentioned and intended by any other Acts made and passed in this Island, respecting the Increase and Encouragement of White Servants: And whereas it is judged expedient and necessary for the Public Interest, as well as to save unnecessary Trouble to the Magistrates of this Island, that the Period up to which the Returns of Slaves and White Servants under the aforesaid Act hath been hitherto taken, should from henceforth be altered; and that instead of the Inhabitants being summoned, as heretofore hath been the case, to swear to the Number of Slaves in their Possession, and White Servants in their Employ, on the twenty-fifth Day of *May* in every Year, that they should be required to swear to Slaves in their Possession, and White Servants in their Employ, on the twenty-fifth Day of *January* in every Year; on which Day the Magistrates, in their respective Divisions, make up their Returns, under an Act of this Island, intituled, *An Act to ascertain the Number of Acres of Land in this Island, and the Islands adjacent and thereto belonging, and the Quantities of Sugar and Rum annually produced therefrom; and for making a Public Record thereof; and for laying a small Tax thereon; and, applying the same; We, therefore, Your Majesty's loyal and obedient Subjects, the Captain-General and Governor-in-Chief in and over all Your Majesty's Leeward Caribbee Islands in America, and the Council and Assembly of this Your Majesty's Island Antigua, humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That, from and after the Publication of this Act, all Returns, of the Number of Slaves in Possession, and of White Servants in the Employ of any of the Inhabitants of this Island, taken under or by virtue of the said in part recited Act, or under or by virtue of any other Act, or Acts whatsoever, for encouraging the Importation of White Servants,—instead of containing an Account of such Slaves and White Servants, up to the twenty-fifth Day of *May*,—shall, from henceforth, be taken and made up to the twenty-fifth Day of *January* in every Year; any thing in the said*

Vol. II. 3 G Act,

No. 539, dated 19. Dec. 1799.

Act. Annual Returns of Slaves and Servants under No. 483, or correlative Acts; to be made-up to 25th Jan.

42d GEO. III.

No. 558.

A. D. 1801.

Treasurer to
frame War-
rants accord-
ingly.

Act, or in any other Act of this Island, to the contrary thereof, in any wise notwithstanding: AND the Treasurer, or his lawful Deputy is hereby required, to issue his Letters to the Magistrates of the respective Divisions, accompanied by proper *blank* Forms of Warrants and Returns, agreeably to the Alteration herein-before mentioned.

Temporary
Arrangement.

II. And whereas Doubts may arise, on the Returns to be taken on the twenty-fifth Day of *January* next, whether Persons having their full Complement of White Servants, from the twenty-fifth Day of *May* last past (when the last Returns were taken) to the said twenty-fifth Day of *January*, were not, nevertheless, subject and liable to pay a Deficiency on their Slaves; as the Servants, then in their Employ, will not have been *so* FOR TWELVEMONTHS, which Time of Service is required to save the full Penalty fixed by Law: To obviate, therefore, all such Doubts, and to prevent any Misconstruction of this Law; be it enacted and ordained by the Authority aforesaid, That, in the Returns to be taken on the twenty-fifth Day of *January* next, all and every Person or Persons, who shall be found not to have in their Employ, White Servants adequate to the Number of Slaves in their Possession,—instead of paying the full Penalty for such Deficiency,—shall be subject and liable to pay two-thirds thereof, only.

Dated at *Antigua*, the fifteenth Day of *December*, in the Year of our Lord one thousand eight hundred and one, and in the forty-second Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God of the United Kingdom of *Great Britain* and *Ireland*, King, Defender of the Faith, &c. &c. &c.

JOHN BURKE, *Speaker*, pro tempore.

Passed the Assembly, the tenth
Day of *December*, one thousand
eight hundred and one.

Passed the Council, the tenth
Day of *December*, one thou-
sand eight hundred and one.

PAUL HORSFORD,
Clerk of the Assembly.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

Passed the Captain-General, the fifteenth Day of *December*, one thousand eight hundred and one.

LAVINGTON. (L. S.)

ISLAND OF ANTIGUA.

411

42d GEO. III.

Nis. 558, 559.

11A. D. 1801.

Published this first Day of *January*, one thousand eight hundred and two.

JOHN ROBERTS, *Dep. Pro. Marshal.*

An Act to revive and continue an Act, intituled, An Act for increasing and regulating the Fees of sworn Pilots. No. 559.

EXPIRED.
See original
Act of 28th
December,
1797, (No.
521,) with last
Act of Re-
newal of 7th
May, 1804,
(No. 579.)

WHEREAS an Act, intituled, *An Act for increasing and regulating the Fees of sworn Pilots*, dated at *Saint Christopher's*, the twenty-eighth Day of *December*, one thousand seven hundred and ninety-seven, and in the thirty-eighth Year of His Majesty's Reign, did expire at the Meeting of the Council and Assembly next after the twenty-eighth Day of *December*, one thousand seven hundred and ninety-eight: And whereas it is found expedient, to revive and continue the said Act; We, therefore, your Majesty's most obedient, loyal, and dutiful Subjects, the Governor-in-Chief in and over all Your Majesty's *Leeward Caribbee Islands in America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, do most humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That the said before recited Act be revived, and continue in force for the Space or Term of one Year from the Date hereof, and also from thence, until the next Meeting of the Council and Assembly of this Island.

Dated at *Antigua*, the first Day of *April*, in the Year of our Lord one thousand eight hundred and two, and of His Majesty's Reign the forty-second.

JAMES ATHILL, *Speaker.*

Passed the Assembly, this eleventh Day of *March*, one thousand eight hundred and two.

Passed the Council, this twenty-fifth Day of *March*, one thousand eight hundred and two.

PAUL HORSFORD,
Clerk of the Assembly.

By Command,

WILLIAM MATHEWS,
Deputy Secretary.

3 G 2

Passed

42d GEO. III.

Nis. 559, 560.

A. D. 1802.

Passed by the Captain-General, the first Day of *April*, one thousand eight hundred and two.

LAVINGTON. (L. S.)

Published, this fourth Day of *April*, one thousand eight hundred and two.

JOHN ROBERTS, *Dep. Pro. Marshal.*

No. 560. *An Act to alter and amend the second Clause of an Act, intituled, An Act to alter, revive, and amend an Act intituled, An Act to alter and amend an Act for regulating the Militia of this Island; and for the further Regulation of the said Militia; and fixing and appointing the Times when Martial Law shall be in force in this Island; and declaring and establishing Rules and Articles of War, for the better Government of the said Militia at those Times.*

No. 485. **W**HEREAS by the second Clause of an Act, intituled, *An Act to alter, revive, and amend an Act, intituled, An Act to alter and amend an Act for regulating the Militia of this Island, and for the further Regulation of the said Militia; and fixing and appointing the Times when Martial Law shall be in force in this Island; and declaring and establishing Rules and Articles of War, for the better Government of the said Militia at those Times*, it is, among other Things, enacted and ordained, that the whole Squadron of Militia Light Dragoons, on the Island, be never less than sixty, or more than one hundred and eight, effective Non-commissioned-officers and Private-men, both included; and whenever it shall so happen, either by Death, Absence from the Island, or otherwise, that the Squadron on the Island, be less than one hundred and eight effective Non-commissioned-officers and Private-men as aforesaid; it shall and may be lawful, for the Commanding or other Officer of the Squadron, to recommend to the Commander-in-Chief and Council as aforesaid, such Men as may be proper to do Duty in that Corps: Provided always, that such Officer shall give Notice to

42d GEO. III.

No. 560.

A.D. 1802.

to the Colonel, or Commanding-officer, of the Corps, to which the Men so recommended shall belong, ten Days before the Meeting of the Council on which they shall be recommended; that such Colonel or Commanding-officer may attend, to make any Objection, he may have, to such Recommendation: And provided also, that no Man whatsoever, shall be appointed to the Dragoons without his own Consent: And whereas, from the mode of appointing, and receiving Men into the Squadron of Dragoons, as well as from the Decrease of the Inhabitants of this Island, it frequently happens, that, upon reduction of the Number directed by the said Act, either by Death, Absence from the Island, or other Cause, there arises a Difficulty in keeping up the Number of Dragoons, so that the same shall not be less than sixty effective Non-commissioned-officers and Private-men, both inclusive, according to the true Intent and Meaning of the said Act: To avoid, therefore, in future, any Inconveniencies which may arise, in consequence of the Number of Dragoons being reduced to less than sixty; and to remove any Doubts which may arise, as to the Existence of the said Corps, whenever the Number shall be less than sixty; We, your Majesty's most dutiful and loyal Subjects, the Captain-General and Governor-in-Chief of Your Majesty's *Leeward Caribbee Islands in America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority of the same, That, from and after the Publication of this Act, the said Squadron of Dragoons shall consist of not more than one hundred effective Non-commissioned-officers and Private-men, both inclusive.

ACT.
Militia Squadron of Dragoons to consist of 100 Non-commissioned-officers and Privates, *max.*

II. And be it further enacted and ordained by the Authority aforesaid, That all Acts, Matters, and Things whatsoever, made, done, or performed by any Person or Persons whatsoever, by virtue of the said herein-before recited Act, which would have been legal had the Number of the said Squadron of Dragoons consisted of sixty, or more, effective Non-commissioned-officers and Private-men, shall be, and they are hereby ratified, confirmed, and declared valid, to all Intents and Purposes, although such Acts, Matters, and Things may have been made, done, or performed at any time or times when the Number of the said effective Non-commissioned-officers and Private-men, both inclusive, may have been less than sixty: And that if any Person or Persons shall be, at any time or times hereafter, sued by any Person or Persons, for any thing done by him or them, in pursuance thereof, he or they shall and may plead the General Issue, and give this Act

Acts legalised respecting Dragoons, which would have been legal had Squadron been kept to its Establishment.

Indemnity.

in

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Nis. 560, 561.

A. D. 1802.

Double Costs.

in Evidence, for his or their Defence: And in case such Action shall be found against the Plaintiff, or if the Plaintiff shall be barred, become nonsuit, or discontinue his Suit, such Plaintiff shall pay double Costs.

Dated at *Antigua*, this ninth Day of *April*, one thousand eight hundred and two.

JAMES ATHILL, *Speaker*.

Passed the Assembly, this eleventh }
Day of *March*, one thousand }
eight hundred and two.

Passed the Council, this eighth }
Day of *April*, one thousand }
eight hundred and two.

PAUL HORSFORD.

Clerk of the Assembly.

By Command,

WILLIAM MATHEWS,
Deputy Secretary.

Passed by the Captain-General, this ninth Day of *April*, one thousand eight hundred and two.

LAVINGTON. (L. S.)

Published, this thirteenth Day of *April*, one thousand eight hundred and two.

JOHN ROBERTS, *Dep. Pro. Marshal.*

No. 561. *An Act to revive and amend an Act, intituled, An Act to alter and amend an Act, intituled, An Act for cleaning and amending the Highways in this Island, and to repeal an Act for cleaning and enlarging Common Paths and Highways in this Island.*

PREAMBLE.

No. 533.

WHEREAS an Act, intituled, *An Act to alter and amend an Act, intituled, An Act for cleaning and amending the Highways in this Island, and to repeal an Act for cleaning and enlarging Common Paths and Highways in this Island*, made and passed on the twenty-first Day of *February*,

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No. 561.

A. D. 1802.

February, in the Year of our Lord one thousand seven hundred and ninety-nine, did expire on or about the twenty-seventh Day of the Month of *March* last: And whereas many essential Benefits have been derived from the aforesaid Act; We, therefore, Your Majesty's most obedient, dutiful, and loyal Subjects, the Governor-in-Chief in and over all Your Majesty's *Leeward Caribbee* Islands in *America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, do humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted by the Authority aforesaid, That the said Act, and every Part thereof, shall be, and is and are hereby continued, except in such Particulars as the said Act is and shall be, herein-after, altered and amended.

Act.
No. 533 to be continued, except as altered by Act.

II. And whereas since the Passing of the said Act, hereby continued or intended to be continued, many Alterations may have taken place, as well in the State of the Roads, as in the Number of Slaves possessed by different Persons, to whom certain Portions of Road have been allotted to be kept in Repair, by virtue of the Provisions in the second, third, fourth, fifth, and sixth Sections of the said Law contained; so that a new Allotment may have become necessary, in many of the Divisions of this Island; be it, therefore, enacted by the Authority aforesaid, That any Person or Persons in any Division of this Island, who is dissatisfied with the Allotments, now in force, by virtue of the aforesaid Sections of the Act aforesaid, may, and is and are hereby authorized to state the same to the Waywardens of the Divisions, respectively, in which such Person or Persons so dissatisfied shall have any Road to repair, within thirty Days after the Passing and Publication of this Act; and that, in all such Cases, the Waywardens, or any two of them, shall, and they are hereby authorized and required to proceed to the Consideration of all such Notices, and to the making such new Allotment of the Roads in their respective Divisions, as may be thought expedient, in the manner directed in the said Act, hereby continued or intended to be continued.

Persons dissatisfied with Allotments in force (at time of Act) under No. 533, may state same to Waywardens in thirty Days, &c.

Waywardens to make new Allotments under No. 533.

III. And be it enacted by the Authority aforesaid, That if any Person or Persons, shall consider himself, herself, or themselves aggrieved by the Allotments so made, such Person or Persons may appeal, from the Decision of the Waywardens, to the next ensuing Court of *King's Bench and Grand Sessions*, who may make such Order thereon, by altering or amending the same, as to them shall seem expedient.

Persons aggrieved by such new Allotments, may appeal.

Court of K.B. and Grand Sessions may alter Allotment.

IV.

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No. 561.

A. D. 1802.

S. 13. of No.
533 repealed.

Waywardens
to summon
Inhabitants
having Allot-
ments in Divi-
sion, to appear
before them,
on appointed
Day not more
than ten Days
before Sitting
of K. B. in
every March
and Septem-
ber.

OATH of In-
habitant.

Persons re-
fusing to at-
tend, after
seven Days'
Notice per-
sonal, or writ-
ten; or ap-
pearing and
refusing Oath,
without satis-
factory Rea-
son; to forfeit,
on Conviction
before Jus-
tices, 50l.—or
be imprisoned
two Months.

Act in force
seven Years,
and till forty
Days after
Legislature
meet.

IV. And whereas, by the thirteenth Section of the said Act, it is provided, that the Waywardens shall depose on Oath, at every Court of King's Bench and Grand Sessions, as to the State of the Roads in their respective Divisions; from which Provision, all the Benefits that were expected, have not been derived; be it therefore enacted by the Authority aforesaid, That the said Section shall be, and the same is hereby repealed; and that, instead thereof, the Waywardens, or any two of them in each Division, shall, and they are hereby authorized and required, to summon all the Inhabitants in their respective Divisions, who have Allotments of Road to repair, to be and appear before them on two certain Days in the Year, one of the said Days to be not more than ten Days before the Sitting of the Court of King's Bench in *March*; and the other, not more than ten Days before the Sitting of the said Court in *September*; and that the said Inhabitants, when so convened, and each of them, shall take the following Oath:

I [A. B.] do swear, that the Portion of Road allotted to be repaired, by the Slaves in my Possession or Occupation, has been duly kept in Repair for the last six Months, according to the true Intent and Meaning of the Act of this Island, in that Case made and provided.

V. And be it enacted by the Authority aforesaid, That if any Person or Persons, shall neglect or refuse to attend upon such Summons, if duly served upon him, her, or them, either in Person, or by leaving Notice in Writing, at his, her, or their usual Place of Residence, seven Days at least previous to the Day of Appearance; or if, after appearing, any Person or Persons shall refuse to take the Oath aforesaid, without giving a satisfactory Reason for such Absence or Refusal, such Person or Persons, so neglecting or refusing, shall, on Conviction before two Justices of the Peace, one whereof to be of the Quorum, forfeit, for every such Offence, the Sum of fifty Pounds, current Money of this Island: and if he, she, or they refuse, or is or are unable to pay the same, he, she, or they shall be committed to the Common-jail of this Island, without Bail or Mainprize for the Space of two Months, unless, in the meantime, the said Fine, and all Expenses incurred by the Proceedings aforesaid, are fully paid and discharged.

VI. And be it enacted by the Authority aforesaid, That this Act shall be and continue in force for the Space of SEVEN YEARS, from the Publication thereof, and until forty Days after the next Meeting of the Legislature thereafter.

Dated

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Nis. 561, 562.

A. D. 1802.

Dated at *Antigua*, the ninth Day of *April*, in the Year of our Lord one thousand eight hundred and two, and of His Majesty's Reign the forty-second.

JAMES ATHILL, *Speaker*.

Passed the Assembly, this twenty-fifth Day of *March*, one thousand eight hundred and two. } Passed the Council, this eighth Day of *April*, one thousand eight hundred and two.

PAUL HORSFORD,

Clerk of the Assembly.

By Command,

WILLIAM MATHEWS,
Deputy Secretary.

Passed by the Captain-General, this ninth Day of *April*, one thousand eight hundred and two.

LAVINGTON. (L. S.)

Published, this thirteenth Day of *April*, one thousand eight hundred and two.

JOHN ROBERTS, *Dep. Pro. Marshal.*

An Act for continuing an Act, intituled, An Act for laying certain Duties on Licenses, to be taken out by all Persons acting as Tavern Keepers, Punch-house Keepers, or Retailers of Wines, Rum, or other Liquors; and imposing Duties on Rum, Cordial Waters, and other Strong Waters sold by Retail; and for applying the same.

No. 562.
ABSORBED in
later Act of
Revival of 30th
March 1803,
(No. 573.)
See Act of 6th
Sept. 1788,
(No. 456,) with
Notices of subsequent
Alterations.

WHEREAS an Act, intituled, *An Act for laying certain Duties on Licenses, to be taken out by all Persons acting as Tavern Keepers, Punch-house Keepers, or Retailers of Wines, Rum, or other Liquors; and imposing Duties on Rum, Cordial Waters, and other Strong Waters sold by Retail; and for applying the same;* dated at *Antigua*, the sixth Day of *September*, one thousand seven hundred and eighty-eight; and

No. 456.

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continued

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No. 562.

A. D. 1802.

- No. 462. continued and amended by an Act, intituled, *An Act for continuing and amending an Act for laying certain Duties on Licenses, to be taken out by all Persons acting as Tavern Keepers, Punch-house Keepers, or Retailers of Wines, Rum, or other Liquors; and imposing Duties on Rum, Cordial Waters, and other Strong Waters sold by Retail; and for applying the same*, dated at Antigua, the twenty-third Day of October, one thousand seven hundred and eighty-nine; and
- No. 474. revived, and continued, and amended by an Act, intituled, *An Act for reviving, continuing, and amending an Act, intituled, An Act for laying certain Duties on Licenses, to be taken out by all Persons acting as Tavern Keepers, Punch-house Keepers, or Retailers of Wines, Rum, or other Liquors; and imposing Duties on Rum, Cordial Waters, and other Strong Waters sold by Retail; and for applying the same*, dated at Antigua, the fourteenth Day of January, one thousand seven hundred and ninety-one; and revived, amended, and further continued
- No. 508. by an Act, intituled, *An Act for reviving, amending, and further continuing an Act, intituled, An Act for laying certain Duties on Licenses, to be taken out by all Persons acting as Tavern Keepers, Punch-house Keepers, or Retailers of Wines, Rum, or other Liquors; and imposing Duties on Rum, Cordial Waters, and other Strong Waters sold by Retail; and for applying the same*, dated at Saint Christopher's, the twenty-second Day of April, one thousand seven hundred and ninety-six; and further continued by an Act, intituled, *An Act for further continuing an Act for laying certain Duties on Licenses to be taken out by all Persons acting as Tavern Keepers, Punch-house Keepers, or Retailers of Wines, Rum, or other Liquors; and imposing Duties on Rum, Cordial Waters, and other Strong Waters sold by Retail; and for applying the same*, dated at Saint Christopher's, the fifth Day of April, one thousand seven hundred and ninety-nine; and further
- No. 534. continued by an Act, intituled, *An Act for further continuing an Act for laying certain Duties on Licenses, to be taken out by all Persons acting as Tavern Keepers, Punch-house Keepers, or Retailers of Wines, Rum, or other Liquors; and imposing Duties on Rum, Cordial Waters, and other Strong Waters sold by Retail; and for applying the same*, dated at Antigua, the eighth Day of March, one thousand eight hundred; and further continued by an Act, intituled, *An Act for reviving and continuing an Act, intituled, An Act for laying certain Duties on Licenses, to be taken out by all Persons acting as Tavern Keepers, Punch-house Keepers, or Retailers of Wines, Rum, or other Liquors; and imposing Duties on Rum, Cordial Waters, or other Strong Waters sold by Retail; and for applying the same*, dated at Antigua, the
- No. 553. second

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419

42d GEO. III.

No. 562.

A. D. 1802.

second Day of *April*, one thousand eight hundred and one, will expire at the present Meeting of the Council and Assembly of this Island, unless further continued; We, therefore, Your Majesty's loyal and obedient Subjects, the Captain-General and Governor-in-Chief in and over all Your Majesty's *Leeward Caribbee* Islands in *America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, do humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That the said first mentioned Act, and also all and every Clause and Sections, contained in all or any of the said other Acts herein-before mentioned, whereby the said first mentioned Act is altered, added to, or amended, shall be continued, and the same are hereby continued in full force, for the Space or Term of *one Year* from the Date of this Act, and, from thence, to the next Meeting of the Council and Assembly of this Island.

Dated at *Antigua*, the ninth Day of *April*, in the Year of our Lord one thousand eight hundred and two, and of His Majesty's Reign the forty-second.

JAMES ATHILL, *Speaker*.

Passed the Assembly, this eighth
Day of *April*, one thousand
eight hundred and two.

Passed the Council, this eighth
Day of *April*, one thousand
eight hundred and two.

PAUL HORSFORD,
Clerk of the Assembly.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

Passed by the Captain-General, this ninth Day of *April*, one thousand eight hundred and two.

LAVINGTON. (L. S.)

ANTIGUA. Published, this thirteenth Day of *April*, one thousand eight hundred and two.

JOHN ROBERTS, *Dep. Pro. Marshal*.

No. 563. **An Act** to make perpetual an Act, intituled, An Act for the more equal Distribution of Estates sold by virtue of Executions.

PREAMBLE.
No. 472.

WHEREAS an Act, intituled, *An Act for the more equal Distribution of Estates sold by virtue of Executions*, dated at *Antigua*, the fourth Day of *November*, in the Year of our Lord one thousand seven hundred and eighty-six; and confirmed, by Your Most Excellent Majesty in Council, upon the twenty-first Day of *October*, in the Year of our Lord one thousand seven hundred and eighty-nine; will expire at the first Meeting, of the Council and Assembly of this Island *Antigua*, after the seventeenth Day of *June*, in this present Year one thousand eight hundred and two: And whereas the said Act hath been found, by long Experience, to have been very beneficial to the Inhabitants of this Island, and to the Trade and Commerce thereof: Therefore, We, Your Majesty's loyal and obedient Subjects, the Captain-General and Governor-in-Chief in and over all Your Majesty's *Leeward Caribbee Islands in America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, do humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That the said Act, intituled, *An Act for the more equal Distribution of Estates sold by virtue of Executions*, shall be and remain, and is hereby declared to be and remain perpetual.

ACT.
No. 472 to be
perpetual.

Dated at *Antigua*, the twenty-second Day of *May*, in the Year of our Lord one thousand eight hundred and two, and of His Majesty's Reign the forty-second.

JAMES ATHILL, *Speaker*.

Passed the Assembly, this twentieth Day of *May*, one thousand eight hundred and two.

Passed the Council, this twentieth Day of *May*, one thousand eight hundred and two.

PAUL HORSFORD,
Clerk of the Assembly.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

Passed

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Nis. 563, 564.

A. D. 1802.

Passed by the Captain-General, this twenty-second Day of *May*, one thousand eight hundred and two.

LAVINGTON. (L.S.)

Published, this twenty-fourth Day of *May*, one thousand eight hundred and two.

WILLIAM COLLINS, *Dep. Pro. Marshal.*

An Act for reviving, continuing, and amending An Act No. 564. for the Prevention of Damages to the Harbour of *Saint John* in this Island; for appointing an Harbour-master thereto; and for regulating his Duty.

WHEREAS an Act, intituled, *An Act for the Prevention of Damages to the Harbour of Saint John in this Island; for appointing an Harbour-master thereto; and for regulating his Duty*, dated at *Antigua*, the eighteenth Day of *October*, one thousand seven hundred and eighty-four; and since revived and continued by another Act, intituled, *An Act for reviving and continuing an Act, intituled, An Act for the Prevention of Damages to the Harbour of Saint John in this Island; for appointing an Harbour-master thereto; and for regulating his Duty*, dated at *Saint Christopher's*, the eighth Day of *December*, one thousand seven hundred and ninety-eight; did expire at the Meeting, of the Council and Assembly of this Island, next after the eighth Day of *December* last; We, therefore, Your Majesty's most loyal and obedient Subjects, the Captain-General and Governor-in-Chief in and over all Your Majesty's *Leeward Caribbee* Islands in *America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, do humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That the said first recited Act, with the Alterations and Amendments herein-after mentioned and declared, shall, from the Day of Publication hereof, be revived and continued; and continue and remain in full force, for the Space of three Years, and, from thence, to the next Meeting of the Council and Assembly of this Island.

PREAMBLE.

No. 428.

No. 530.

ACT.
No. 428, as amended by Act, to be in force for three Years, and till Legislature meet.

II.

No. 428, S. 5.
not to prevent
Vessels not
exceeding
sixty Tons
being hove-
down for Re-
pair in *Saint*
John's Har-
bour at well-
appointed
Wharf of
Shipwright or
private
Trader.

Harbour-mas-
ter to inspect
Wharfs in *St.*
John's; and,
finding any in
decayed State
likely to in-
jure Harbour,
to give writ-
ten Notice to
Occupier to
repair in three
Cal. Months.

If not re-
paired,—to
exhibit in
twenty-one
Days Com-
plaint on Oath
to Justice.

Justice to cite
Offender and
bind him,
with Sureties,
in 200/.—to
appear at next
K. B. and
Grand Ses-
sions.

II. And whereas Doubts have arisen, whether Vessels of small Burthen are not, by the fifth Clause of the said first mentioned Act, restrained, in all Cases, from being hove-down at any Wharf in the said Town of *Saint John*, for the Purpose of being cleaned and repaired: In order, therefore, to obviate such Doubts in future; be it enacted and ordained by the Authority aforesaid, That nothing in the said Act contained, shall extend, or be construed to extend, to prevent the heaving-down any Vessel whose Tonnage or Burthen doth not exceed sixty Tons, so as such Vessel be hove-down at a Wharf which is, then, in good and substantial Order and Repair, and in the actual Possession or Occupation of some Person using the Trade of a Shipwright, or used or occupied as a private Wharf only: but that no Vessel of a greater Burthen than sixty Tons, shall be permitted to be hove-down in any part of the said Harbour of *Saint John*.

III. And whereas many Persons, who obtained Grants for Land covered with the Water or Sea of the said Harbour of *Saint John*, have suffered the Wharfs made or built thereon to decay, whereby much Damage hath arisen, to the said Harbour, from the Earth and Stones, which had been used for the making of such Wharfs, having been, by Ground-swells of the Sea, carried into the said Harbour; be it, therefore, also enacted and ordained by the Authority aforesaid, That the Harbour-master of the said Town of *Saint John*, or his lawful Deputy, shall, from time to time, diligently view and examine the several Wharfs adjoining the Water or Sea of the said Harbour of *Saint John*; and if he shall find any of such Wharfs in a decayed or improper State, so as that Damage may from thence arise to the said Harbour, he shall forthwith give Notice, in Writing, to the Proprietor or Occupier of such Wharf, to repair or sufficiently amend the same, within the Space or Time of three Calendar Months, next after the Delivery of such Notice: and if such Wharf is not, duly, repaired or amended within the Time aforesaid, the said Harbour-master, or his Deputy, is hereby strictly enjoined and required, within twenty-one Days after the Expiration of the said Term of three Months, to exhibit a Complaint or Information upon Oath, *thereof*, in Writing, to any of His Majesty's Justices of the Peace for this Island; who shall cause the said Offender or Offenders to come before him, and enter into a Recognizance, with two sufficient Sureties, in the Sum of two hundred Pounds, conditioned for the Appearance, of such Offender or Offenders, at the next Court of King's Bench and Grand Session

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No. 564.

A. D. 1802,

Session of the Peace, to be holden for this Island, then and there to answer for the said Offence; and shall, forthwith, return such Recognizance into the Office of the Secretary of this Island, or his lawful Deputy, who shall take care to cause an Indictment, or Information, for the said Offence, to be preferred at the next Court of King's Bench and Grand Session of the Peace holden for this Island; and also issue such Writ or Writs of Subpœna, for compelling the Appearance of any Witness or Witnesses, at the said Court of King's Bench and Grand Session of the Peace, for proving the said Indictment, or Information, as the said Harbour-master, or his lawful Deputy, shall require: AND if the Defendant or Defendants to such Indictment, or Information, shall be convicted of the Offence thereby charged, he, she, or they shall be fined in any Sum, not exceeding one hundred Pounds, nor less than fifty Pounds, at the Discretion of the said Court: and, in default of Payment of the said Fine, shall be immediately committed to the Common-jail of this Island, there to remain, without Bail or Mainprize, for the Space of three Calendar Months, or until the said Fine, and the Jail-fees be paid.

IV. And be it also enacted and ordained by the Authority aforesaid, That no Sand, Shingle, Ballast, Gravel, Coals, or loose Earth, of any kind, shall, from and after the Expiration of one Month next after the Publication of this Act, remain, for a longer Time than ten Days, upon any Wharf or Place, that is not distant twelve Feet from the Head or Front of such Wharf, or at any Place which is not twenty Feet distant from the Sea, under the Penalty or Forfeiture of twenty Pounds, to be recovered in the same manner and form, as Fines or Penalties for throwing Rubbish, or Ballast, into the said Harbour of *Saint John*, are, in the said Act, directed to be recovered.

V. And be it also enacted and ordained by the Authority aforesaid, That it shall and may be lawful to and for the Justice or Justices, who shall hear or determine any Offence or Offences against the said Act,—if he or they shall think fit,—to mitigate or lessen any of the Fine or Fines imposed by the said Act, so as the Fine so mitigated, or actually to be paid, be not less than five Pounds.

Dated at *Antigua*, the twenty-second Day of *May*, in the Year of our Lord one thousand eight hundred and two, and of His Majesty's Reign the forty-second.

JAMES ATHILL, *Speaker*.

Passed

Return of Recognizance. Secretary to prefer Information; and at Harbour-master's Requisition, subpœna Witnesses.

Defendant on Conviction to be fined 100*l.* max. 50*l.* min.

Not paying Fine, to be imprisoned three Cal. Months.

No Sand, Ballast, or loose Earth, to remain longer than ten Days on Wharf, unless distant twelve Feet from Front; or on any other Place, unless distant twenty Feet from Sea; under Penalty of 20*l.* recoverable as in No. 428, S. 3.

Justice may mitigate Fine under No. 428, to 5*l.* min.

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Nis. 564, 565.

A. D. 1802.

Passed the Assembly, this twenty-
 tieth Day of *May*, one thou-
 sand eight hundred and two. }

{ Passed the Council, the twenty-
 tieth Day of *May*, one thou-
 sand eight hundred and two.

PAUL HORSFORD,
Clerk of the Assembly.

By Command,
 WILLIAM MATHEWS,
Deputy Secretary.

Passed by the Captain-General, this twenty-second Day of *May*,
 one thousand eight hundred and two.

LAVINGTON. (L. S.)

Published, this twenty-fourth Day of *May*, one thousand eight
 hundred and two.

WILLIAM COLLINS, *Dep. Pro. Marshal.*

No. 565. **An Act** *to revive, alter, and amend* An Act for ascertain-
 ing the Freights of Goods and Merchandize, and
 of Sugars, Rum, and other Produce, which shall
 be carried and transported, from one Part of the
 said Island to another Part of the said Island, in
 any Sloops, Shallops, Boats, or Vessels com-
 monly called Sugar Droughers.

PREAMBLE.

No. 532,
 dated 21st Feb.
 1799.

WHEREAS an Act, intituled, *An Act for ascertaining the Freights
 of Goods and Merchandize, and of Sugars, Rum, and other Produce,
 which shall be carried and transported, from one Part of the said Island
 to another Part of the said Island, in any Shallops, Sloops, Boats, or
 Vessels commonly called Sugar Droughers*, was made and published in
 the Year of our Lord one thousand seven hundred and ninety-nine,
 and which Act was to continue, and be in force till the twenty-fifth
 Day of *February*, in the present Year of our Lord, and, from thence,
 to the next Meeting of the Council and Assembly, has expired:
 And whereas it is highly expedient that the said Act should be re-
 vived; We, therefore, Your Majesty's most dutiful, loyal, and obe-
 dient Subjects, the Captain-General and Commander-in-Chief, in
 and

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42d GEO. III.

No. 565.

A. D. 1802.

and over all Your Majesty's *Leeward Caribbee* Islands in *America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, do humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That, from and after the Passing and Publication of this Act, the said recited Act shall again be revived except as is herein-after provided.

ACT.
No. 532, except as provided in Act, to be revived.

II. Be it enacted and ordained by the Authority aforesaid, That all Owners of Boats, or Vessels, commonly called Sugar Droughers, which shall be hereafter employed to transport Goods and Merchandize, and Sugar, Rum, or other Produce of this Island, from one Part of the Island to another, shall take and receive, for their Trouble and Risk in carrying of the same, at and after the Rates specified in the following Table, and no more, in time of Peace; and that fifty *per Cent.* be added thereto, in case of War taking place in any future Period, in consideration of the additional Risks, Dangers, and Expenses.

Owners of Droughers to receive Freights in Table during Peace.
Augmentation of 50 *per Cent.* in War.

TABLE.

To or from the Out-ports to <i>Saint John's.</i>	Hhds. Sugar & Rum, weighing from 1000 to 2000 <i>lb.</i>	Tierces Sugar, from 500 to 1000 <i>lb.</i>	Barrels.			Boards, Plank, Joist, and Staves <i>per M.</i>	Shingles <i>per M.</i>	Bricks <i>per M.</i>
			From four to five hundred Weight.	From three to four hundred Weight.	Three hundred Weight and under.			
	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>
<i>Willoughby Bay</i> and <i>Nonsuch...</i>	16..6	12 ..	7 ..	6 ..	5 ..	36 ..	8 ..	45 ..
<i>Belfast, Mercer's Creek, English Harbour, Falmouth, Old Road, and Cade's Bay</i>	12 ..	8 ..	6 ..	5 ..	4 ..	28 ..	7 ..	40..0
<i>Parham and Johnson's Point, or any Bay, Harbour, or Creek on this Side either of those Places</i>	10 ..	8 ..	5 ..	4 ..	3 ..	20 ..	6 ..	36 ..

III. And be it also enacted and ordained by the Authority aforesaid, That all and every Owner and Owners, Master or Masters, of any such Shallop or Shallops, Boats or Vessels carrying or transporting

Owner of Drougher exacting higher Freight than in S. 2. to forfeit

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feit double; to
be levied un-
der Warrant,
of Justices, on
Information
of Witness.

Forfeiture to
Informer.

Act to be in
force for one
Year and till
the Houses
meet.

porting of Goods or Produce in and about this Island, who shall exact, take, and receive, for the Carriage of such Goods, more than the Sums specified in the preceding Table of *Peace and War Rates of Freight*, shall, for every such Offence, so committed, forfeit double the Freight so charged, to be levied, on his, her, or their Goods and Chattels, by Distress and Sale of the same, by Warrant under the Hands and Seals of any two or more Justices of the said Island; which Warrant such Justices are hereby required to issue, upon the Information of any one credible Witness upon Oath; the whole of which said Forfeiture shall go to him that shall so inform.

IV. And be it also enacted and ordained by the Authority afore-said, That this Act shall continue, and be in force for the Space of ONE YEAR from the Publication thereof, and, from thence, to the next Meeting of the Council and Assembly.

Dated at *Antigua*, the twenty-sixth Day of *June*, in the Year of our Lord one thousand eight hundred and two, and of His Majesty's Reign the forty-second.

JAMES ATHILL, *Speaker*.

Passed the Assembly, this twenty-
tieth Day of *May*, one thou-
sand eight hundred and two.

Passed the Council, this twenty-
fourth Day of *June*, one
thousand eight hundred and
two.

PAUL HORSFORD,
Clerk of the Assembly.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

Passed by the Captain-General, this twenty-sixth Day of *June*, one thousand eight hundred and two.

LAVINGTON. (L. S.)

Published, this twenty-sixth Day of *June*, one thousand eight hundred and two.

WILLIAM COLLINS, *Dep. Pro. Marshal.*

An

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No. 566.

A. D. 1802.

An Act for reviving, amending, and continuing an Act, intituled, An Act for laying a Duty of Powder on all Vessels trading to and from this Island, for the Protection of the Trade of the same; and for indemnifying the Collector of the said Duty.

No. 566.
ALTERED
AND CONTI-
NUED by Act
of 1st Oct.
1803,
(No. 576);
See Act of
20th July,
1773,
(No. 348,) /
with Notices
of Acts in
force.
No. 348.

WHEREAS an Act, intituled, *An Act for laying a Duty of Powder on all Vessels trading to and from this Island, for the Protection of the Trade of the same*, dated the twentieth Day of July, one thousand seven hundred and seventy-three; and since revived, continued, and amended by several other Acts; did, together with the said Acts for reviving, amending, and continuing thereof, expire on the Conclusion of the late War between Great Britain and France, Spain, and Holland; We, therefore, Your Majesty's most obedient, loyal, and dutiful Subjects, the Governor-in-Chief in and over all Your Majesty's Leeward Caribbee Islands in America, and the Council and Assembly of this Your Majesty's Island Antigua, do most humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That the said first recited Act, (except as here-in-after excepted and repealed,) and the Amendments herein-after made and set forth, shall stand revived, and be and continue in force from the Day of the Publication hereof for three Years, and, from thence, to the next Meeting of the Council and Assembly of this Island.

ACT.
By No. 576,
operating
through this
Act, No. 348,
as altered, is
in force.

II. And whereas it is enacted, by the first Clause of the last recited Act, That every Master, or Commander, of any Ship or Vessel, trading to or from this Island, shall, before his Departure from the same, pay into the Hands of the Collector or Receiver, that is or shall be appointed for that Purpose, one Pound of Powder (one half of which shall be paid in common Powder, and the other half in Pistol Powder) for each Ton, according to the Register of such Ship or Vessel: And whereas, from the present peaceable State of the Nation, and from a large Quantity of Powder remaining in our Magazines, a much less Quantity of Powder is requisite for the Public Service; be it, therefore, enacted and ordained, That, from and after the Publication of this Act, every Master, or Commander, under the Description aforesaid, shall, before his Departure from this Island, pay into the Hands of the Collector or

By No. 576,
Duty is re-
stored to one
Pound per
Ton.

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No. 566.

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Receiver aforesaid one [*fourth part or quarter of a*] Pound of Powder [*and no more*] for each Ton, according to the Register of the Ship or Vessel under his Command; one half of which said [*fourth part or quarter of a Pound of*] Powder shall be paid in common Powder; and the other half, in Pistol Powder. [*By a Proviso in No. 576, the foreign Vessels not exempted from Duty by trading under the Free-port Act, are permitted to commute the whole Duty, in Money, at six Shillings per Pound.*]

Droughers
of *Antigua*,
and Vessels
not exceeding
sixty Tons,
belonging to
Islands in the
Government;
exempted
from Duty.

III. And be it, and it is hereby enacted by the Authority aforesaid, That all Vessels belonging to this Island *Antigua*, qualified and usually employed as Sugar Droughers, and all other Vessels belonging to this Island, and to the Islands of *Nevis*, *Saint Christopher*, *Montserrat*, *Anguilla*, and the *British Virgin Islands*, whose Burthen shall not exceed sixty Tons, are hereby declared to be exempted from the said Powder Duty; any thing in this, or any other Act to the contrary notwithstanding.

IV. And whereas from the Expiration of the said last mentioned Act, the Collector, appointed under that Act, hath continued to demand and collect the Duties of Powder, laid and imposed by the said several Acts, in the manner and form heretofore particularly directed and appointed, under an Apprehension that the said Act or Acts would have been continued, or earlier revived, as heretofore it was customary: And whereas the collecting and receiving the said Duties of Powder, hath been of great Benefit to this Island, by furnishing our Magazines with a Supply of that Commodity indispensably necessary for our Defence in time of War, and that in a Manner both easy and effectual: For quieting, therefore, the said Collector of the said Duties, and for preventing any Disputes or Inconveniencies which might, otherwise, happen or arise from such Collection of the said Duties, and from omitting sooner to revive the said Acts; be it enacted and ordained by the Authority aforesaid, That the said Collector of the said Duty of Powder, and all and every Person and Persons acting in the said Collection under him, shall be, and are hereby indemnified, freed, and discharged of, from, and against all Penalties, Fines, Damages, and Recoveries whatsoever, and of, from, and against all Bills, Complaints, Actions, Informations, or Suits whatsoever, which might have been brought, filed, had, or maintained against him or them, any or either of them, by any Person or Persons whomsoever, for any Act, Matter, or Thing done and performed by him the said Collector, or by any other Person or Persons acting in the said Collection, under him, and agreeably to the Directions of the said,

INDEMNITY
to Collector
and Agents
acting under
No. 348, be-
tween last
Expiration
and Renewal.
And Sec. S. 5.

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No. 566.

A. D. 1802.

said, or any of the said herein-recited Acts, since the Term of their Expiration.

V. And it is hereby further enacted and ordained by the Authority aforesaid, That the said Collector, and all and every Person and Persons legally acting under him as before specified, upon being impleaded or proceeded against at Law as aforesaid, may, and it is hereby declared lawful for them to plead the General Issue, and give this Act in Evidence; any Law, Usage or Custom, to the contrary notwithstanding.

VI. And be it, and it is hereby enacted and ordained by the Authority aforesaid, That it shall and may be lawful to and for the Captain-General and Governor-in-Chief of Your Majesty's *Leeward Caribbee* Islands in *America*, or the Person commanding this Your Majesty's Island *Antigua* for the time being, when it shall appear necessary, from time to time to authorize the Collector or Receiver of the said Duty, to receive such Sum or Sums of Money, in lieu of Powder, in Specie, according to the then current Value of Powder, from the Master of any foreign Vessel trading to this Island: PROVIDED ALSO, That nothing in this Act contained, shall extend or be construed to extend to impose any Duty, whatever, on Vessels belonging to foreign *European* Powers, trading to and from this Island under an Act of Parliament made and passed, by which the Towns of *Saint John* and *Parham* in the Island aforesaid, are declared to be Free-ports, for the Admission of Vessels of a certain Description, carrying Commodities particularly enumerated.

The Proviso in No. 576, fixes the Rate of Commutation for foreign Vessels at 6s. per lb.; virtually annulling the Authority in this Clause to permit Commutation at the current Price of Powder.

Duty not to extend to Vessels trading under the Free-port Act.

Dated at *Antigua*, this twenty-sixth Day of *June*, in the Year of our Lord one thousand eight hundred and two; and of His Majesty's Reign, the forty-second.

JAMES ATHILL, *Speaker*.

Passed the Assembly, this twenty-fourth Day of *June*, one thousand eight hundred and two.

Passed the Council, this twenty-fourth Day of *June*, one thousand eight hundred and two.

PAUL HORSFORD,
Clerk of the Assembly.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

Passed

Indemnity to Collector and Agents acting under No. 548, before last Expiration and Renewal And Sec. 2.

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Nis. 566, 567.

A. D. 1802.

Passed by the Captain-General, this twenty-sixth Day of June, one thousand eight hundred and two.

LAVINGTON. (L. S.)

Published, this twenty-sixth Day of June, one thousand eight hundred and two.

WILLIAM COLLINS, *Dep. Pro. Marshal.*

No. 567. *An Act to obviate Doubts respecting several Acts of the Legislature of the Island of Antigua,—and to ratify the said Acts, as well as to confirm various Proceedings of the Court of Chancery of the said Island, all which have, at several times, passed and issued under the Administrations of such Members of the Council of Saint Christopher as have acted as temporary Commanders-in-Chief of the Government of the Leeward Islands, since the Departure of General Leigh, late Captain-General of the same,—by reason of such Members of Council having omitted to repair to the said Island of Antigua, and there to take upon them the Administration of the said Government, pursuant to His Majesty's Commission; and also for removing Doubts on, and confirming all Commissions and other Authorities granted, by the said Members of Council, in the Civil and Military Departments within the said Island of Antigua; and for indemnifying all Persons who have acted under the Powers of the aforesaid Acts, Proceedings, Commissions, and Authorities.*

PREAMBLE.

WHEREAS Your Majesty was pleased, by Your Letters Patent and Royal Commission, bearing Date at *Westminster*, the eighteenth Day of *August*, in the thirty-fourth Year of Your happy Reign, to constitute and appoint Your trusty and well-beloved *Charles Leigh*, Esquire,

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42d GEO. III.

No. 567. •

A. D. 1802.

Esquire, to be Your Captain-General and Governor-in-Chief in and over all Your Islands of *Nevis*, *Saint Christopher*, *Montserrat*, *Antigua*, *Barbuda*, *Anguilla*, and all other Your Islands, Colonies, and Plantations in *America*, called or known by the Name of Your *Leeward Caribbee* Islands; and was further pleased, amongst various other Matters and Directions contained in Your said Commission to be observed, performed, and obeyed, to direct and order, that, in case of the Death or Absence from Your said Islands, of Your said Captain-General and Governor-in-Chief, Your Lieutenant-General of Your said Islands, for the time being, should take upon him the Administration of the same, and execute the several Powers and Authorities granted unto Your said Captain-General by Your said Commission, for and during Your Royal Pleasure, or until the Arrival of Your said Captain-General in Your said Islands; and that, in case of the Death or Absence of Your said Captain-General or Your said Lieutenant-General from Your said Islands, it was Your Will and Pleasure, that Your eldest Lieutenant-Governor of the five Lieutenant-Governors, resident in any of the said Islands of *Nevis*, *Saint Christopher*, *Montserrat*, or *Antigua*, or any of the *Virgin* Islands, according to the Priority of their Commissions as Lieutenant-Governors, should execute Your said Commission, with all the Powers and Authorities therein mentioned: And whereas Your Majesty was, also, further pleased, therein to order and direct, that, in case of the Death or Absence of Your said Captain-General, and the Death or Absence of Your said Lieutenant-General, and of all the said five Lieutenant-Governors from Your said Islands, and that there should be no Person within Your said Islands appointed, in such Case, to be Commander-in-Chief; it was, then, Your Royal Will, that the Counsellor, whose Name was first placed in Your Royal Instructions, and who should be, at the time of the Death or Absence of Your said Captain-General, residing within Your said Island of *Saint Christopher*, should repair to Your said Island of *Antigua*, and should, in the said Island of *Antigua*, take upon him the Administration of the Government, and execute Your said Commission and Instructions, and the several Powers and Authorities therein contained, in the same Manner, and to all Intents and Purposes as any other Your Governor or Commander-in-Chief should, or ought to do, in case of the Absence of Your said Captain-General, or until his Return, or, in all Cases, until Your Royal Pleasure should be further known therein: And whereas his Excellency the said *Charles Leigh*, Esquire, did arrive in the said Island of *Antigua*, on the thirteenth Day of *July*, in the Year of our Lord
one

one thousand seven hundred and ninety-five, and, after publishing Your Majesty's Letters Patent and Commission, and taking the several Oaths therein specified, and acting in all other Matters conformably to Your Majesty's Directions, did enter into the Execution of his Office, as Captain-General and Governor-in-Chief: And whereas his said Excellency *Charles Leigh*, Esquire, did embark for *Europe*, and departed from the Government and Command of the Islands aforesaid on the third Day of *July*, in the Year one thousand seven hundred and ninety-six, and, at the Time of his Departure, Your Majesty's Lieutenant-General and Your five Lieutenant-Governors as aforesaid were, all of them, absent from these Islands: And whereas there appeared no Person, at that Time, particularly nominated by Your Majesty, within the said Islands to be Your Commander-in-Chief of the same; and the Honorable *Archibald Esdaile*, Esquire, representing himself to be the Counsellor first named and placed in Your Royal Instructions, then residing within the Island of *Saint Christopher*, claimed the Administration of the Government, and did actually exercise the Office of Commander-in-Chief of the said Islands, until the Day of his Decease: but did never repair to the said Island of *Antigua*, to take upon him the Administration of the Government, in obedience to Your Majesty's Directions as herein-before particularly mentioned, whenever the Occasion should offer, that such Counsellor should take the Command of the said Islands: And whereas after the Decease of the said *Archibald Esdaile*,—the said Captain-General, Lieutenant-General, and Lieutenant-Governors as aforesaid, being, all, still absent,—the Honorable *John Smith Thomas*, Esquire, then claimed the Administration as aforesaid, representing himself as the Counsellor first named and placed in Your Instructions, residing in the said Island of *Saint Christopher*; and did, therefore, exercise the Office of Commander-in-Chief, until the Day of his Decease, neglecting also to repair to the Island of *Antigua*, at any time whatever: And whereas, immediately after the Decease of the said *John Smith Thomas*, which happened sometime in the Month of *April*, which was in the Year one thousand seven hundred and ninety-seven,—Your said Captain-General, Lieutenant-General, and Lieutenant-Governors being, all, still absent,—the Honorable *Robert Thomson*, Esquire, did then claim the Administration as aforesaid, representing himself as, then standing, the Counsellor first named and placed in Your said Instructions, residing within the said Island of *Saint Christopher*; and did, in like manner, exercise the said Office of Commander-in-Chief, without previously repairing to the said

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said Island of *Antigua*, to take upon him the Administration of the Government, obediently to Your Majesty's Directions as already mentioned; but did continue, nevertheless, to act as Commander-in-Chief aforesaid, until the Arrival within this Government of his present Excellency, the Right Honorable Lord *Lavington*, having, once, during, and nearly three Years subsequently to the Commencement of his Command, visited the said Island of *Antigua* for the Space of a few Days, and which was sometime in the Month of *March* in the Year one thousand eight hundred: And whereas it hath been thought, and, at times, suggested by several Persons, that the Functions and Authorities of the three last named Counsellors were not complete and perfect, when they assumed the Administration of this Government, under the Defect of Compliance with that express Article, contained in Your Majesty's said Commission, enjoining the several Counsellors residing within the Island of *Saint Christopher*, to repair to the said Island of *Antigua*, as a Preliminary to the Measure of taking upon them the Administration of the Government: And whereas, in consequence of Suggestions thus founded,—Objections, Oppositions, Controversies, and Litigations may, often, arise hereafter, as well in respect to the several Acts of Legislature, as to all other Proceedings issuing forth under the apparent Authority and Sanction of the said Counsellors, when acting as Commanders-in-Chief; to the great Interruption of the orderly and peaceable System of Government, and to the Creation of much Uncertainty, Disquietude, and Vexation in many Persons residing, or interested in these Islands: For the Prevention of Mischiefs and Evils of such Magnitude, and to avert the Chance of such a Tendency, as far as the same may relate to the Island of *Antigua*; We, therefore, Your Majesty's most obedient, loyal, and dutiful Subjects, the Governor-in-Chief in and over all Your Majesty's *Leeward Caribbee* Islands in *America*, and the Council and Assembly of this Your Island *Antigua*, do most humbly pray Your Most Excellent Majesty, That it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That all and every the Laws and Acts passed by the Council and Assembly of the said Island of *Antigua*, conjointly or with the Assent, either of the said Honorable *Archibald Esdaile*, the said Honorable *John Smith Thomas*, or of the said Honorable *Robert Thomson*, during the Times of their, severally, exercising the Administration of this Government aforesaid; and which said Laws and Acts, or such of them as have not been, heretofore, rejected or disallowed by Your Majesty, or have not been

ACT.
Confirmation
of the Acts of
Antigua
passed with
the Assent
either of *A.*
Esdaile, *J. S.*
Thomas, or
R. Thomson,
of the Council
of *St. Chris-*
topher, acting
as temporary
Commander-
in-Chief of
Leew. I.

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since

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since repealed, or have not expired; shall, and do hereby stand, ratified and confirmed to all Intents and Purposes, as fully and effectually as they were, or were intended, or could be considered to be intended, on the Days of their respectively passing, with the Great Seal of these Islands thereto annexed.

Decrees, Orders, and Process of *Antigua* Chancery during Administration aforesaid; confirmed.

II. And be it further enacted and ordained, That all Decrees, Injunctions, interlocutory and final Orders, and all kind of Writs, and every other Process of what kind soever, which have at any times, issued from the Court of Chancery of this Island *Antigua*, during the Administration aforesaid of the said *Archibald Esdaile*, the said *John Smith Thomas*, and the said *Robert Thomson* respectively, and which have not been, heretofore, reversed or repealed, or have not been, heretofore, revoked, dissolved, or in any manner lawfully suspended,—shall, also, and do stand ratified and confirmed, and be deemed in force, as fully and effectually as the same were considered, or could have been intended, at the times they were respectively passed and issued.

Judicial, Civil, and Military Commissions, granted during Administration aforesaid; confirmed.

III. And be it also further enacted and ordained, That all Commissions, and every Authority granted to all Judges, Justices of the Peace, Officers of the Revenue, and in every other Civil Department whatever within this said Island *Antigua*; as well as all and every Commissions and Authorities granted to Officers of the Militia of this Island *Antigua*, or belonging to the Forts and Fortifications of the same, or in any other Military Class within the same, during the Administration aforesaid of the said *Archibald Esdaile*, *John Smith Thomas*, and *Robert Thomson*, respectively,—shall, and do stand ratified; and shall be deemed and taken to have been valid and effectual as the same were at first meant and intended, and continued to remain on the Day of the Proclamation of his present Excellency, the Right Honorable Lord *Lavington*, dated the fourteenth Day of *February*, in the Year of our Lord one thousand eight hundred and one, issued for the Purpose of a temporary Confirmation of the same.

Persons sued for executing Laws and Proceedings confirmed by Act; may plead Act in bar; or may plead General Issue, and give Act and special Matter in Evidence.

IV. And be it also further enacted by the Authority aforesaid, That if any Action or Suit, should have been brought or commenced against any Person or Persons, before the Passing and Publication hereof, for any thing done in Pursuance, or under the Directions of any of the aforesaid Acts, or of any the other Proceedings or Matters, herein-before mentioned and intended to be hereby ratified and confirmed; in every such Case, the Defendant or Defendants to such Suit or Action, so brought or commenced, shall and may plead this

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42d Geo. III.

Nis. 567, 568.

A. D. 1802.

this Act in full bar to the same; or shall and may plead the General Issue, and give this Act, and the special Matter in Evidence, on any Trial, in any Action or Suit as aforesaid.

Dated at *Antigua*, the twentieth Day of *August*, in the Year of our Lord one thousand eight hundred and two, and of His Majesty's Reign the forty-second.

JAMES ATHILL, *Speaker*.

Passed the Council, this twenty-fifth Day of *February*, one thousand eight hundred and two. } Passed the Assembly, this twelfth Day of *August*, one thousand eight hundred and two.

By Command,

WILLIAM MATHEWS,
Deputy Secretary.

PAUL HORSFORD,
Clerk of the Assembly.

Passed by the Captain-General, this twentieth Day of *August*, one thousand eight hundred and two.

LAVINGTON. (L. S.)

Published, this twenty-fifth Day of *August*, one thousand eight hundred and two.

WILLIAM COLLINS, *Dep. Pro. Marshal*.

An Act for continuing and making perpetual an Act, intituled, An Act for the Assize of Bread. No. 568.

WHEREAS an Act, intituled, *An Act for the Assize of Bread*, made and published on the twenty-eighth Day of *December*, in the Year of our Lord one thousand seven hundred and ninety-nine, will expire at the Meeting of the Council and Assembly to be holden next after the twenty-eighth Day of *December* in this present Year of our Lord one thousand eight hundred and two, unless the same be

PREAMBLE.
No. 538.

43d GEO. III.

No. 568.

A. D. 1802.

ACT.
No. 538, to
be perpetual.

continued by an Act to be passed for that Purpose: And whereas the Experience we have had of the Operation of said Act, hath convinced us that the Provisions contained in it, tend greatly to the Comfort and Advantage of the Inhabitants of this Island: Therefore, We, Your Majesty's most dutiful and loyal Subjects, the Captain-General of His Majesty's *Leeward Caribbee* Islands in *America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, do humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That the said Act, and every Clause, Matter, and Thing therein contained, shall be from henceforth, and the same is hereby made perpetual.

Dated at *Antigua*, this twenty-seventh Day of *November*, in the Year of our Lord one thousand eight hundred and two, and of His Majesty's Reign the forty-third.

JAMES ATHILL, *Speaker*.

Passed the Assembly, this seventh Day of *October*, one thousand eight hundred and two.

PAUL HORSFORD,
Clerk of the Assembly.

Passed the Council, this twenty-fifth Day of *November*, one thousand eight hundred and two.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

Passed by the Captain-General, this twenty-seventh Day of *November*, one thousand eight hundred and two.

LAVINGTON. (L. S.)

Published, this eleventh Day of *December*, one thousand eight hundred and two.

WILLIAM COLLINS, *Dep. Pro. Marshal*.

An

43d GEO. III.

No. 569. .

A. D. 1803.

An Act *to revive and continue an Act, intituled, An Act* No. 569.
to repeal the eighteenth and twenty-second Clauses
of an Act, intituled, An Act for encouraging the
Importation of White Servants to this Island,
dated the eleventh Day of *July*, one thousand
seven hundred and sixteen; and, Part of the eighth
Clause of another Act, intituled, An Act for en-
creasing the Number of White Inhabitants of this
Island, dated the eleventh Day of *February*, one
thousand seven hundred and forty; and for ex-
plaining and amending the said Acts; and for
reviving and continuing one other Act, intituled,
An Act supplementary to an Act, intituled, An
Act for encouraging the Importation of White
Servants to this Island, dated the eleventh Day of
July, one thousand seven hundred and sixteen;
also, to another Act, intituled, An Act for en-
creasing the Number of White Inhabitants in this
Island, dated the eleventh Day of *February*, one
thousand seven hundred and forty; and also, An
Act supplementary to the foregoing Acts, dated
the twenty-fifth Day of *April*, one thousand seven
hundred and fifty-five; and for the Encourage-
ment of, and maintaining White Women Servants;
and preserving and encreasing the Number of
White Inhabitants in this Island, dated the first
Day of *June*, one thousand seven hundred and
sixty-seven; *which said Act was dated the fourteenth*
Day of May, one thousand seven hundred and eighty-
four, and had expired on the fifth Day of November,
one thousand seven hundred and eighty-seven; and for
confirming and justifying all Proceedings under the said
Act,

Act, as if the same had been in force and unexpired; and for indemnifying the Treasurer for acting thereunder.

PREAMBLE.

No. 42.

No. 476.

*See enacting
Part.*

WHEREAS an Act, intituled, *An Act to repeal the eighteenth and twenty-second Clauses of an Act, intituled, An Act for encouraging the Importation of White Servants to this Island, dated the eleventh Day of July, one thousand seven hundred and sixteen; and, Part of the eighth Clause of another Act, intituled, An Act for encreasing the Number of White Inhabitants of this Island, dated the eleventh Day of February, one thousand seven hundred and forty; and for explaining and amending the said Acts; and for reviving and continuing one other Act, intituled, An Act supplementary to an Act, intituled, An Act for encouraging the Importation of White Servants to this Island, dated the eleventh Day of July, one thousand seven hundred and sixteen; also, to another Act, intituled, An Act for encreasing the Number of White Inhabitants in this Island, dated the eleventh Day of February, one thousand seven hundred and forty; and also, An Act supplementary to the foregoing Acts, dated the twenty-fifth Day of April, one thousand seven hundred and fifty-five; and for the Encouragement of, and maintaining White Women Servants; and preserving and encreasing the Number of White Inhabitants in this Island, dated the first Day of June, one thousand seven hundred and sixty-seven; which said Act is dated the fourteenth Day of May, one thousand seven hundred and eighty-four; together with an Act for reviving, enforcing, and continuing the same, dated the third Day of June, one thousand seven hundred and ninety-one; did expire on the first Meeting of the Council and Assembly of this Island three Years after the Date of the said last recited Act: And whereas the Treasurer of this Island aforesaid, had acted under and by virtue of the said Act, and of the several Acts recited in the said Act, and amended thereby, as fully, to all Intents and Purposes, as if the said Act and the several Acts therein recited, and thereby amended, had been in full force: And whereas great Confusion, and very great Inconveniencies would arise, from a Discontinuance of the Effect and Force of the said Act, not only to the Inhabitants of this Island, but to the said Treasurer, from the Time of the expiring to the present Time: And whereas it is found necessary to *revive and make perpetual* the said Act, and all the several Acts therein recited, and thereby amended Acts, in their full Force and Effect; We, therefore, Your Majesty's most dutiful and loyal Subjects, the Captain-General and Governor-*

ISLAND OF ANTIGUA.

439

43d GEO. III.

No. 569. .

A. D. 1803.

Governor-in-Chief of Your Majesty's *Leeward Caribbee* Islands in *America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That the Act, intituled, *An Act to repeal the eighteenth and twenty-second Clauses of an Act, intituled, An Act for encouraging the Importation of White Servants to this Island, dated the eleventh Day of July, one thousand seven hundred and sixteen; and, Part of the eighth Clause of another Act, intituled, An Act for encreasing the Number of White Inhabitants of this Island, dated the eleventh Day of February, one thousand seven hundred and forty; and for explaining and amending the said Act; and for reviving and continuing one other Act, intituled, An Act supplementary to an Act, intituled, An Act for encouraging the Importation of White Servants to this Island, dated the eleventh Day of July, one thousand seven hundred and sixteen; also, to another Act, intituled, An Act for encreasing the Number of White Inhabitants in this Island, dated the eleventh Day of February, one thousand seven hundred and forty; and also, An Act supplementary to the foregoing Acts, dated the twenty-fifth Day of April, one thousand seven hundred and fifty-five; and for the Encouragement of, and maintaining White Women Servants, and preserving and encreasing the Number of White Inhabitants in this Island, dated the first Day of June, one thousand seven hundred and sixty-seven; which said Act is dated the fourteenth Day of May, one thousand seven hundred and eighty-four, and the Repeal of the Clauses of two Acts thereby, and the several Acts thereby explained, amended, revived, and continued, shall be deemed, considered, accepted, and taken to be in as full Force, Power, and Effect, to the Intents and Purposes therein mentioned and provided for, as if the said Act had never expired; and that, from and after the Publication hereof, the same shall be revived and continue in force for ONE YEAR, and until the next Meeting of the Legislature thereafter: and that the several Inhabitants who have made Returns of their Slaves and Servants, before any of the Magistrates and the said Treasurer, and have paid and accounted for, or who are to pay or account for the Fines and Forfeitures, arising and due from them, conformably with the said Acts, upon the Presumption of the said Act not having expired, but continuing in force, shall be freed, acquitted, and indemnified from all and any other Fines and Forfeitures which might be claimed under the other Acts; and that the said Returns shall be, and are hereby declared to be lawful, and that all Accounts, and Matters of Accounts, heretofore settled or admitted,*

or

ACT.
No. 422; the Repeal thereby of two Clauses in No. 153, and Part of a Clause in No. 194; with No. 295, as continued by No. 422; to be severally revived, and continue in force for one Year, and till the Houses meet.

Inhabitants having accounted or paid Fines under No. 295 and No. 422, released from Fines which might be claimed under other Acts.

Unsettled Accounts to be adjusted under No. 422.

Treasurer and others having acted under No. 422, since its Expiration; indemnified from Suit.

or considered as settled between the said several Inhabitants and the said Treasurer, shall be conclusive on both Parties; and that any Accounts remaining unsettled and unpaid, shall be adjusted according to the Intent and Meaning of the said Act, and agreeable to the Form pursued by the Treasurer, in those Accounts hitherto settled as aforesaid: AND that the Treasurer and all Persons acting under him, are hereby indemnified, freed, and discharged of, from, and against all Penalties, Fines, Damages, and Recoveries whatsoever, which might be brought, filed, or maintained against him or them, for any Matter or Thing done, by him or them, under the Supposition or Presumption of the said Act, and the several Clauses thereof, being actually in force, from the said fifth Day of *November* to the Publication of this Act: and the said Person or Persons, against whom any Bill, Complaint, Information, or Action shall be brought, may plead the General Issue, and give this Act in Evidence.

Dated at *Antigua*, the twenty-fourth Day of *January*, in the Year of our Lord one thousand eight hundred and three, and in the forty-third Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God of the United Kingdom of *Great Britain* and *Ireland*, King, Defender of the Faith.

JAMES ATHILL, *Speaker*.

Passed the Assembly, this twenty-fifth Day of *November*, one thousand eight hundred and two.

Passed the Council, this thirteenth Day of *January*, one thousand eight hundred and three.

PAUL HORSFORD,
Clerk of the Assembly.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

Passed by the Captain-General, this twenty-fourth Day of *January*, one thousand eight hundred and three.

LAVINGTON. (L. S.)

Published, this twenty-seventh Day of *January*, one thousand eight hundred and three.

WILLIAM COLLINS, *Dep. Pro. Marshal.*

43d GEO. III.

No. 570.

A.D. 1803.

An Act supplementary to an Act, intituled, An Act for No. 570.
the better Regulation of Porters, Jobbers, and
Watermen, and all such Persons as shall ply as
Porters, Jobbers, or Watermen in any of the
Towns or Harbours of this Island; and for the
Regulation of small Boats and Craft of every De-
scription which ply for Hire, or Huckstering-boats,
in the said Harbours.

WHEREAS it has been found that though much Benefit has
arisen to the Community from the salutary Regulations of the said
Act; yet the Effects have been, in some measure, defeated by the
fraudulent Ingenuity of some of the Watermen and Hucksters
plying in the Harbours; some having forged Names and Numbers
on their Boats; and others having run-away, and abandoned unli-
censed Boat or Boats navigated by unlicensed Watermen, when
detected or discovered in the act of trespassing against the Act
aforesaid, or other Laws of this Island; Therefore, We, Your
Majesty's most loyal and obedient Subjects, the Captain-General
and Governor-in-Chief in and over all Your Majesty's *Leeward*
Caribbee Islands in *America*, and the Council and Assembly of this
Your Majesty's Island *Antigua*, most humbly pray Your Most
Excellent Majesty, that it may be enacted and ordained; and be it,
and it is hereby enacted and ordained by the Authority aforesaid,
That, from and after the Publication of this Act, it shall and may
be lawful for the Harbour-master, or his lawful Deputy, or for any
free resident Inhabitant, or for any Master or Mate of any registered
Ship or Vessel in the Harbours of said Island, to seize and detain
any Boat or Boats, engaged in illicit Practices, suspected of bearing
forged Names or Numbers, navigated by unlicensed Watermen, or
abandoned by those suspected of carrying-on illicit Practices: that
all Boats so seized and detained, shall be put, and remain under
the Care and Charge of the Harbour-master, or his lawful Deputy;
who is to make the necessary Enquiry into the particular Circum-
stances, under which such Boat or Boats have been detained,
and thereof make a Report to any two of His Majesty's Justices of
the Peace; who shall, on due Investigation, acquit or confiscate
such Boat or Boats so seized and detained.

PREAMBLE.

No. 546,
dated 12th
July, 1800.Harbour-mas-
ter—or free
resident Inha-
bitant—or
Master or
Mate of re-
gistered Ves-
sel—may
seize Boat un-
der suspicious
Circum-
stances in
Clause.Harbour-
master to
make Report.
Justices, after
Investigation,
to restore or
confiscate
Boat.

Harbour-master, to advertise Detention, &c. in Newspaper, six Days before Trial; that Parties may attend and claim. Record and Return of Proceedings to Secretary. Boats confiscated to be burned, or sold at Outcry, at Time and Place appointed by Harbour-master.

DISTRIBUTION of Proceeds of confiscated Boat.

Licenses to Slave-porter, &c. to be granted for a Year precisely, renewable on Application of Owner, under No. 546.

Licenses granted under No. 546 for more than a Year, void. Owner may have new License on paying the Fees in No. 546, S. 1. 8. respectively.

II. And be it enacted and ordained by the Authority aforesaid, That, in all cases where any Boat or Boats are so seized and detained for Trial, the Harbour-master, and his lawful Deputy, shall give Notice, by Advertisement in one of the Public Newspapers, of such Seizure and Detention, six Days before the Day which shall be fixed by the Magistrates for Examination and Trial thereof, that the Parties may attend and claim: THAT the Justices shall make Record of their Proceedings, and return it into the Secretary's Office, under their Hands and Seals; and authorize such Boat or Boats as may be confiscated, to be burned, or sold at Public Outcry, by the Provost Marshal, or his Deputy, at such Time and Place as the Harbour-master, or his Deputy, shall appoint: THAT the following Expenses shall be paid, out of the Proceeds of such Boat or Boats so confiscated and sold, *videlicet*:

To the Harbour-master, or his Deputy, for taking Care and Charge of each Boat, twelve Shillings and four Pence Halfpenny; and for advertising, eight Shillings and three Pence: To the Marshal for selling, five *per Cent*. The Rest and Remainder shall be divided in the following manner: To the Informer, one-third; to the Harbour-master, one-third; and the remaining third to be paid into the Hands of the Treasurer, for the Public Benefit of the Island.

III. And whereas it has been found by Experience, that Inconveniencies have arisen from the Duration of Licenses for Boats, Porters, Jobbers, and Watermen, not being positively prescribed by the said recited Act; owing to a Blank being left in the first Clause thereof; be it, therefore enacted by the Authority aforesaid, That the said Licenses to Porters, Jobbers, or Watermen shall be granted for one Year, and no longer, renewable upon the Application of the Owner or Person having the Care and Direction of the Slave or Slaves, as directed by the said recited Act, from time to time as the said Licenses shall, respectively, expire.

IV. And be it enacted and ordained by the Authority aforesaid, That all Licenses which have been granted, under and by virtue of the said recited Act, for more than one Year, shall, and are hereby declared to be null and void, as if the same had never been granted: and the Owners, or other Persons, having the Care and Direction, of the Slave or Slaves to whom such Licenses for more than one Year have been granted, shall take out new Licenses for such Slave or Slaves: upon the issuing of which, the Harbour-master

43d Geo. III.

Nis. 570, 571.

A. D. 1803.

master, and Deputy Secretary, shall be entitled to and receive the same Fees as are prescribed by the said Act.

Dated at *Antigua*, the twenty-fourth Day of *January*, in the Year of our Lord one thousand eight hundred and three, and of His Majesty's Reign the forty-third.

JAMES ATHILL, *Speaker*.

Passed the Assembly, this seventh Day of *October*, one thousand eight hundred and two.

Passed the Council, this thirteenth Day of *January*, one thousand eight hundred and three.

PAUL HORSFORD,
Clerk of the Assembly.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

Passed by the Captain-General, this twenty-fourth Day of *January*, one thousand eight hundred and three.

LAVINGTON. (L. S.)

Published, this twenty-seventh Day of *January*, one thousand eight hundred and three.

WILLIAM COLLINS, *Dep. Pro. Marshal.*

An Act to revive and make perpetual, an Act, intituled, No. 571.

An Act for the better regulating of small Vessels, and preventing Escapes of Debtors from this Island, together with the Acts passed, at different Times, for continuing, reviving, or altering the same.

WHEREAS an Act, intituled, *An Act for the better regulating of small Vessels, and preventing Escapes of Debtors from this Island*; made, and passed, and published in the Year of our Lord one thousand seven

PREAMBLE.
No. 351.

43d GEO. III.

No. 571.

A. D. 1803.

No. 486.

ACT.
No. 351 and
No. 486, to be
perpetual.

hundred and seventy-three; and continued and revived, at several times, by divers Acts, and, last of all, by an Act, intituled, *An Act to revive an Act for the better regulating small Vessels, and preventing Escapes of Debtors from this Island; and also to extend the same, to prevent, more effectually, the Escape of fugitive Slaves from the said Island, and other Mischiefs likely to ensue*, made and passed on the eighteenth Day of May, one thousand seven hundred and ninety-three; did, together with all the said Acts to revive and continue the same, expire at the first Meeting of the Council and Assembly of this Island, which happened after the eighteenth Day of May, one thousand seven hundred and ninety-six; and hath and have, never, been, since, revived, although the same hath and have been found very beneficial to the Commerce of this Island, and hath and have been acted upon, as if the same was and were in force; We, therefore, Your Majesty's most dutiful and loyal Subjects, the Captain-General and Governor-in-Chief in and over Your Majesty's *Leeward Caribbee Islands in America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, do humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority of the same, That, from and after the Publication of this Act, the aforesaid Act, together with the Acts for reviving the same, and particularly the Act herein-before mentioned, shall be revived and made perpetual.

Dated at *Antigua*, this twenty-fourth Day of *January*, in the Year of our Lord one thousand eight hundred and three.

JAMES ATHILL, *Speaker*.

Passed the Assembly, this fourth
Day of *November*, one thou-
sand eight hundred and two.

Passed the Council, this thir-
teenth Day of *January*, one
thousand eight hundred and
three.

PAUL HORSFORD.
Clerk of the Assembly.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

Passed by the Captain-General, this twenty-fourth Day of *January*, one thousand eight hundred and three.

LAVINGTON.

L. S.

43d GEO. III.

Nis. 571, 572.

A. D. 1803.

Published, this twenty-seventh Day of *January*, one thousand eight hundred and three.

WILLIAM COLLINS, *Dep. Pro. Marshal.*

An Act for extending to this Island a certain Act of Parliament made, at Westminster, the twenty-fourth Year of the Reign of our late Sovereign Lord King George the Second, intituled, *An Act for rendering Justices of the Peace more safe in the Execution of their Office; and for indemnifying Constables and others, acting in obedience to their Warrants; and for enabling Justices of the Peace, to award Fees to Constables, for executing their Processes.* No. 572.

WHEREAS a certain Act of Parliament made, at Westminster, in the twenty-fourth Year of the Reign of our late Sovereign Lord George the Second, intituled, *An Act for the rendering Justices of the Peace more safe in the Execution of their Office; and for indemnifying Constables and others, acting in obedience to their Warrants; and now in force in Great Britain*, hath been found, in its Operation, a beneficial Law in that Kingdom: And whereas it appears to us, that the extending the said Act of Parliament to this Island, would be attended with many Advantages to the Inhabitants thereof, and particularly to Magistrates, and other subordinate Ministers of Justice, in the Execution of their Office; We, therefore, Your Majesty's most dutiful and loyal Subjects, the Captain-General and Governor-in-Chief of Your Majesty's *Leeward Caribbee Islands in America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, pray Your Most Excellent Majesty, that it may be enacted; and be it enacted and ordained by the Authority aforesaid, That the said Act, intituled, *An Act for rendering Justices of the Peace more safe in the Execution of their Office; and for indemnifying Constables and others, acting in obedience to their Warrants*, and every Clause, Matter and Thing therein contained, shall, from and after the Publication hereof be in full force, power and effect in this His Majesty's Island *Antigua*; any Law, Usage, and Custom, to the contrary in any wise, notwithstanding.

PREAMBLE.

Brit. Stat. 24.

Geo. II. c. 44.

ACT.

Brit. Stat. 24.

Geo. II. c. 44.

to be in force
in *Antigua*.See Appendix
to Act.

43d GEO. III.

No. 572.

A. D. 1803.

Justice may
award Con-
stable exe-
cuting Writ or
Process rea-
sonable Fees,
not exceeding
66s. payable
by Offender,
or Prosecutor,
or the Public,
at Discretion
of Justice.

On Party not
paying Fees
awarded, Jus-
tice may di-
rect Warrant
of Distress
to another
Constable.
Fees of Levy.

II. And whereas many Instances do occur, where it is reasonable that Constables should be paid Fees for their Trouble, in executing Processes directed to them by Magistrates: but there is no Law which enables Constables to demand such Fees, except in two or three Cases, where the Fees directed to be paid are greatly inadequate to the Constable's Trouble; be it therefore enacted by the Authority aforesaid, That, in all cases whatsoever where any Constable shall execute a Warrant, or other Process, issued by one or more Justice or Justices of the Peace for the said Island of *Antigua*, it shall and may be lawful to and for such Justice or Justices, to award to such Constable, such Fees as shall be deemed reasonable by such Justice or Justices; Provided such Fees do not amount to more than sixty-six Shillings, Gold and Silver current Money of the said Island: AND that such Fee shall be paid by the Party or Parties against whom the Warrant, or other Process, shall issue; or by the Party or Parties requiring such Process; or by the Public of this Island; according to the Discretion of such Justice or Justices: And if the Party or Parties who shall be awarded to pay such Fees, shall refuse to pay the same; then it shall and may be lawful for such Justice or Justices who awarded the same, to direct his or their Warrant, under his Hand and Seal, or their Hands and Seals, to any other Constable of the said Island commanding him to levy upon the Goods and Chattels of such Party or Parties refusing to pay such Fees, and to sell such Part thereof as shall be sufficient to pay the first mentioned Fees, and the Fees of Levy.

Dated at *Montserrat*, the thirtieth Day of *March*, in the Year of our Lord one thousand eight hundred and three, and of His Majesty's Reign the forty-third.

JAMES ATHILL, *Speaker*.

Passed the Assembly, this twenty-fifth Day of *November*, one thousand eight hundred and two.

Passed the Council, this twenty-fourth Day of *March*, one thousand eight hundred and three.

PAUL HORSEFORD,
Clerk of the Assembly.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

LAVINGTON.

(L. S.)

43d GEO. III.

No. 572.

A. D. 1803.

Published, this sixth Day of *April*, one thousand eight hundred and three.

WILLIAM COLLINS, *Dep. Pro. Marshal.*

APPENDIX to No. 572.

24. GEO. II. CAP. 44. OF THE STATUTES OF GREAT BRITAIN.

An Act for the rendering Justices of the Peace more safe in the Execution of their Office; and for indemnifying Constables and others, acting in obedience to their Warrants.

WHEREAS Justices of the Peace are discouraged in the Execution of their Office, by vexatious Actions brought against them for or by reason of small and involuntary Errors in their Proceedings: And whereas it is necessary, that they should be (as far as is consistent with Justice, and the Safety and Liberty of the Subjects over whom their Authority extends) rendered safe in the Execution of the said Office and Trust: And whereas it is also necessary, that the Subjects should be protected from all wilful and oppressive Abuse of the several Laws and Statutes committed to the Care and Execution of the said Justices of the Peace; be it enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, That, from and after the twenty-fourth Day of *June*, one thousand seven hundred and fifty-one, no Writ shall be sued out against, nor any Copy of any Process, at the Suit of a Subject, shall be served on any Justice of the Peace for any Thing by him done in the Execution of his Office, until Notice in Writing of such intended Writ or Process shall have been delivered to him, or left at the usual Place of his Abode, by the Attorney or Agent for the Party who intends to sue or cause the same to be sued out or served, at least one Calendar Month before the suing out or serving the same; in which Notice shall be clearly and explicitly contained the Cause of Action which such Party hath or claimeth to have against such Justice of the Peace; on the back of which Notice shall be indorsed the Name of such Attorney or Agent, together with the Place of his Abode, who shall be entitled to have the Fee of Twenty Shillings for the preparing and serving such Notice, and no more.

II. And be it further enacted, That it shall and may be lawful to and for such Justice of the Peace, at any Time, within one Calendar Month, after such Notice given as aforesaid, to tender Amends to the Party complaining, or to his or her Agent or Attorney; and in case the same is not accepted, to plead such Tender in bar to any Action to be brought against him, grounded on such Writ or Process, together with the Plea of Not guilty, and any other Plea, with the Leave of the Court; and if, upon Issue joined thereon, the Jury shall find the Amends so tendered to have been sufficient, then they shall give a Verdict for the Defendant; and in such Case, or in case the Plaintiff shall become nonsuit, or shall discontinue his or her Action, or in case Judgment shall be given for such Defendant or Defendants upon Demurrer, such Justice shall be entitled to the like Costs as he would have been entitled unto; in case he had pleaded the General Issue only; and if, upon Issue so joined, the Jury shall find that no Amends were tendered, or that the same were not sufficient, and also against the Defendant or Defendants on such other Plea or Pleas, then they shall give a Verdict for the Plaintiff, and such Damages as they shall think proper, which he or she shall recover, together with his or her Costs of Suit.

PREAMBLE.

ACT.
No Writ or Process to be sued against Justice for official Act, unless written Notice be given him, at least Cal. Month previous, explicitly stating Cause of Action; indorsed by Attorney.

Attorney's Fee.

Justice, within Cal. Month after Notice, may tender Amends; and plead Tender in bar, &c.
If Jury find Tender sufficient, Verdict for Defendant, &c.
If Jury find Amends insufficient, &c. Verdict for Plaintiff. Damages. Costs.

III.

Plaintiff not to
recover with-
out Proof of
Notice.

Justice, with
Leave of
Court, may,
before Issue
joined, pay
Money into
Court.

Evidence of
other Cause of
Action than
in Notice not
to be received.

Action not to
be brought a-
gainst Constable
or Officer
acting under
Warrant, till
six Days after
Demand
made of Copy
of Warrant,
&c.

And then not
against Constable,
with-
out making
Justice, also,
a Defendant.

In joint Ac-
tion against
Justice and
Constable,
Verdict to be
for Constable:
but, in case of
Verdict
against Jus-
tice, Costs
against him to
include Con-
stable's Costs.

Where Jus-
tice shall cer-
tify Injury to
have been
wilful, Plain-
tiff to recover
double Costs.

Action must
be com-
menced in six
Months.

III. And be it further enacted, That no such Plaintiff shall recover any Verdict against such Justice in any Case where the Action shall be grounded on any Act of the Defendant, as Justice of the Peace, unless it is proved upon the Trial of such Action, that such Notice was given as aforesaid; but in Default thereof, such Justice shall recover a Verdict and Costs as aforesaid.

IV. And be it further enacted by the Authority aforesaid, That in case such Justice shall neglect to tender any Amends, or shall have tendered insufficient Amends, before the Action brought, it shall and may be lawful for him, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into the Court such Sum of Money as he shall see fit; whereupon such Proceedings, Orders, and Judgments shall be had, made, and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

V. And be it further enacted, That no Evidence shall be permitted to be given by the Plaintiff on the Trial of any such Action as aforesaid, of any Cause of Action, except such as is contained in the Notice hereby directed to be given.

VI. And be it further enacted by the Authority aforesaid, That, from and after the said twenty-fourth Day of *June*, one thousand seven hundred and fifty-one, no Action shall be brought against any Constable, Headborough, or other Officer, or against any Person or Persons acting by his Order, and in his Aid, for any thing done in obedience to any Warrant under the Hand or Seal of any Justice of the Peace, until Demand hath been made or left at the usual Place of his Abode, by the Party or Parties intending to bring such Action, or by his, her, or their Attorney or Agent, in Writing, signed by the Party demanding the same, of the Perusal and Copy of such Warrant, and the same hath been refused or neglected for the Space of six Days after such Demand: And in case after such Demand and Compliance therewith, by shewing the said Warrant to, and permitting a Copy to be taken thereof by the Party demanding the same, any Action shall be brought against such Constable, Headborough, or other Officer, or against such Person or Persons acting in his Aid for any such Cause as aforesaid, without making the Justice or Justices who signed or sealed the said Warrant Defendant or Defendants, that, on producing or proving such Warrant at the Trial of such Action, the Jury shall give their Verdict for the Defendant or Defendants, notwithstanding any Defect of Jurisdiction in such Justice or Justices; and if such Action be brought jointly against such Justice, or Justices, and also against such Constable, Headborough, or other Officer, or Person or Persons acting in his or their Aid as aforesaid; then, on Proof of such Warrant, the Jury shall find for such Constable, Headborough, or other Officer, and for such Person or Persons so acting as aforesaid, notwithstanding such Defect of Jurisdiction as aforesaid; and if the Verdict shall be given against the Justice or Justices, that, in such Case, the Plaintiff or Plaintiffs shall recover his, her, or their Costs against him or them, to be taxed in such manner, by the proper Officer, as to include such Costs as such Plaintiff or Plaintiffs are liable to pay to such Defendant or Defendants for whom such Verdict shall be found as aforesaid.

VII. Provided always, That where the Plaintiff in any such Action against any such Justice of the Peace, shall obtain a Verdict, in case the Judge before whom the Cause shall be tried, shall, in open Court, certify, on the back of the Record, that the Injury for which such Action was brought, was wilfully and maliciously committed, the Plaintiff shall be entitled to have and receive double Costs of Suit.

VIII. Provided also, and be it enacted by the Authority aforesaid, That no Action shall be brought against any Justice of the Peace for any thing done in the Execution of his Office, or against any Constable, Headborough, or other Officer, or Person acting as aforesaid, unless commenced within six Calendar Months after the Act committed.

43d GEO. III.

No. 573.

A. D. 1803.

An Act for continuing an Act, intituled, An Act for laying certain Duties on Licenses, to be taken out by all Persons acting as Tavern Keepers, Punch-house Keepers, or Retailers of Wines, Rum, or other Liquors; and imposing Duties on Rum, Cordial Waters, and other Strong Waters sold by Retail; and for applying the same.

No. 573.

See original
Act of 6th
Sept. 1788,
(No. 456,) with Notices
of subsequent
Alterations.

WHEREAS an Act, intituled, *An Act for laying certain Duties on Licenses, to be taken out by all Persons acting as Tavern Keepers, Punch-house Keepers, or Retailers of Wines, Rum, or other Liquors; and imposing Duties on Rum, Cordial Waters, and other Strong Waters sold by Retail; and for applying the same;* dated at Antigua, the sixth Day of September, one thousand seven hundred and eighty-eight; and continued and amended by an Act, intituled, *An Act for continuing and amending an Act for laying certain Duties on Licenses, to be taken out by all Persons acting as Tavern Keepers, Punch-house Keepers, or Retailers of Wines, Rum, or other Liquors; and imposing Duties on Rum, Cordial Waters, and other Strong Waters sold by Retail; and for applying the same,* dated at Antigua, the twenty-third Day of October, in the Year of our Lord one thousand seven hundred and eighty-nine; and revived, and continued, and amended by an Act, intituled, *An Act for reviving, continuing, and amending an Act, intituled, An Act for laying certain Duties on Licenses, to be taken out by all Persons acting as Tavern Keepers, Punch-house Keepers, or Retailers of Wines, Rum, or other Liquors; and imposing Duties on Rum, Cordial Waters, and other Strong Waters sold by Retail; and for applying the same,* dated at Antigua, the fourteenth Day of January, in the Year of our Lord one thousand seven hundred and ninety-one; and revived, amended, and further continued by an Act, intituled, *An Act for reviving, amending, and further continuing an Act, intituled, An Act for laying certain Duties on Licenses, to be taken out by all Persons acting as Tavern Keepers, Punch-house Keepers, or Retailers of Wines, Rum, or other Liquors; and imposing Duties on Rum, Cordial Waters, and other Strong Waters sold by Retail; and for applying the same,* dated at Saint Christopher's, the twenty-second Day of April, in the Year of our Lord one thousand seven hundred and ninety-six; and revived, amended, and further continued by an Act, intituled, *An Act for reviving, continuing, and amending an Act, inti-*

PREAMBLE.

No. 456.

No. 462.

No. 474.

No. 508.

43d GEO. III.

No. 573.

A. D. 1803.

No. 534.

No. 543.

No. 553.

No. 562.

Act.
No. 456, and
Nis. 462, 474,
and 508,
amending or
adding to No.
456; revived
for a Year,
and till the
Houses meet.

tuled, An Act for continuing and amending an Act, intituled, An Act for laying certain Duties on Licenses to be taken out by all Persons acting as Tavern Keepers, Punch-house Keepers, or Retailers of Wines, Rum, or other Liquors; and imposing Duties on Rum, Cordial Waters, and other Strong Waters sold by Retail; and for applying the same, dated at Saint Christopher's, the fifth Day of April, in the Year of our Lord one thousand seven hundred and ninety-nine; and further continued by an Act, intituled, An Act for further continuing an Act for laying certain Duties on Licenses, to be taken out by all Persons acting as Tavern Keepers, Punch-house Keepers, or Retailers of Wines, Rum, or other Liquors; and for imposing Duties on Rum, Cordial Waters, and other Strong Waters sold by Retail; and for applying the same, dated at Antigua, the eighth Day of March, in the Year of our Lord one thousand eight hundred; and further continued by an Act, intituled, An Act for reviving and continuing an Act, intituled, An Act for laying certain Duties on Licenses, to be taken out by all Persons acting as Tavern Keepers, Punch-house Keepers, or Retailers of Wines, Rum, or other Liquors; and imposing Duties on Rum, Cordial Waters, and other Strong Waters sold by Retail; and for applying the same, dated at Antigua, the second Day of April, in the Year of our Lord one thousand eight hundred and one; and further continued by an Act, intituled, An Act for continuing an Act, intituled, An Act for laying certain Duties on Licenses, to be taken out by all Persons acting as Tavern Keepers, Punch-house Keepers, or Retailers of Wines, Rum, or other Liquors; and imposing Duties on Rum, Cordial Waters, and other Strong Waters sold by Retail; and for applying the same, dated at Antigua, the ninth Day of April, in the Year of our Lord one thousand eight hundred and two; which said last mentioned Act will expire at the Meeting of the Council and Assembly, of this Island, next after the ninth Day of April next, unless further continued; We, therefore, Your Majesty's loyal and obedient Subjects, the Captain-General and Governor-in-Chief in and over all Your Majesty's Leeward Caribbee Islands in America, and the Council and Assembly of this Your Majesty's Island Antigua, do humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That the said first mentioned Act, and also all and every Clause and Sections, contained in all or any of the said other Acts herein-before mentioned, whereby the said first mentioned Act is altered, added to, or amended, shall be continued, and the same are hereby continued in full force, for the Space or Term of one

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451

43d GEO. III.

Nis. 573, 574.

A. D. 1803.

one Year from the Date of this Act, and, from thence, to the next Meeting of the Council and Assembly of this Island.

Dated at *Montserrat*, this thirtieth Day of *March*, in the Year of our Lord one thousand eight hundred and three, and of His Majesty's Reign the forty-third.

JAMES ATHILL, *Speaker*.

Passed the Assembly, this twenty-fourth Day of *March*, one thousand eight hundred and three.

Passed the Council, this twenty-fourth Day of *March*, one thousand eight hundred and three.

PAUL HORSFORD,
Clerk of the Assembly.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

LAVINGTON. (L.S.)

Published, this sixth Day of *April*, one thousand eight hundred and three.

WILLIAM COLLINS, *Dep. Pro. Marshal.*

An Act to continue an Act, intituled, An Act to alter, revive, and amend an Act, intituled, An Act to alter and amend an Act, intituled, An Act for regulating the Militia of this Island; and for the further Regulation of the said Militia; and fixing and appointing the Times when Martial Law shall be in force in this Island; and declaring and establishing Rules and Articles of War, for the better Government of the said Militia at those Times; and likewise to revive and continue an Act, intituled, An Act supplementary to the said foregoing Act.

No. 574.

See the fundamental Acts of 28th June, 1702, (No. 131,) and 30th March, 1793, (No. 485,) with Notices of subsequent Acts in force.

WHEREAS a certain Act of this Island, intituled, *An Act to alter, revive, and amend an Act, intituled, An Act to alter and amend an Act, intituled,*

PREAMBLE.
No. 485.

3 M 2

An

43d GEO. III.

No. 574.

A. D. 1803.

No. 511.

No. 495,
dated 6th
Nov. 1794.No. 512,
dated 7th
May, 1796.

No. 485.

An Act for regulating the Militia of this Island, and for the further Regulation of the said Militia; and fixing and appointing the Times when Martial Law shall be in force in this Island; and declaring and establishing Rules and Articles of War, for the better Government of the said Militia at those Times, dated March the thirtieth, one thousand seven hundred and ninety-three, did expire on the fifth Day of May, one thousand seven hundred and ninety-six, and was afterwards continued, altered, and amended by an Act, intituled, An Act to continue, alter, and amend an Act, intituled, An Act to alter, revive, and amend an Act, intituled, An Act to alter and amend an Act, intituled, An Act for regulating the Militia of this Island; and for the further Regulation of the said Militia; and fixing and appointing the Times when Martial Law shall be in force in this Island; and declaring and establishing Rules and Articles of War, for the better Government of the Militia at those Times, dated the twenty-second Day of April, one thousand seven hundred and ninety-six; which said last recited Act has expired this sixteenth Day of June, one thousand eight hundred and three, in consequence of the Meeting of the Council and Assembly, of this Island, for the first Time since the twenty-eighth Day of April now last past: And whereas an Act, intituled, An Act supplementary to an Act, intituled, An Act to alter, revive, and amend an Act, intituled, An Act to alter and amend an Act, intituled, An Act for regulating the Militia of this Island; and for the further Regulation of the said Militia; and fixing and appointing the Times, when Martial Law shall be in force in this Island; and declaring and establishing Rules and Articles of War, for the better Government of the said Militia at those Times, did expire on the thirtieth Day of March, one thousand seven hundred and ninety-six; and was continued by an Act, intituled, An Act for continuing an Act, intituled, An Act supplementary to an Act, intituled, An Act to alter, revive, and amend an Act, intituled, An Act to alter and amend an Act for regulating the Militia of this Island; and for the better Regulation of the said Militia; and fixing and appointing the Times, when Martial Law shall be in force in this Island; and declaring and establishing Rules and Articles of War, for the better Government of the said Militia at those Times, did expire on the seventh Day of May, in the present Year of our Lord one thousand eight hundred and three: And whereas it is highly necessary and expedient that the said first recited Act, intituled, An Act to alter, revive, and amend an Act, intituled, An Act to alter and amend an Act, intituled, An Act for regulating the Militia of this Island; and for the further Regulation of the said Militia; and fixing and appointing the Times, when Martial Law shall be in force in this Island; and declaring

43d GEO. III.

No. 574.

A. D. 1803.

declaring and establishing Rules and Articles of War, for the better Government of the Militia at those Times, and also the above recited Act, intituled, An Act supplementary to an Act, intituled, An Act to alter, revive, and amend an Act, intituled, An Act to alter and amend an Act, intituled, An Act for regulating the Militia of this Island; and for the further Regulation of the said Militia; and fixing and appointing the Times, when Martial Law shall be in force in this Island, and declaring and establishing Rules and Articles of War, for the better Government of the said Militia at those Times, and also the above recited Act, intituled, An Act to continue, alter, and amend an Act, intituled, An Act to alter, revive, and amend an Act, intituled, An Act to alter and amend an Act, intituled, An Act for regulating the Militia of this Island; and for the further Regulation of the said Militia; and fixing and appointing the Times, when Martial Law shall be in force in this Island; and declaring and establishing Rules and Articles of War, for the better Government of the Militia at those Times, should be, all, immediately, revived and continued; We, therefore, Your Majesty's most dutiful, loyal, and obedient Subjects, the Captain-General and Governor-in-Chief in and over all Your Majesty's Leeward Caribbee Islands in America, and the Council and Assembly of this Your Majesty's Island Antigua, do pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority of the same, That the said three hereinbefore recited Acts, shall stand revived and continued, for and during the Space of ONE YEAR from the Passing and Publication of this Act, and, from thence, to the next Meeting of the Council and Assembly of this Island. [N. B. Act of 12th April, 1800, (No. 545,) which repeals several Clauses in No. 485, and substitutes other Regulations, is not noticed in this Act of Renewal: but, not having, like the Acts revived, taken an express temporary Existence, by limiting its own Duration, is unaffected by the Omission. Act of 9th April, 1802, (No. 560,) stands in the same predicament.]

No. 495.

No. 511.

ACT.
No. 485, No.
495, and No.
511; revived
for a Year,
and till the
Houses meet.

II. And be it, and it is hereby enacted and ordained by the Authority aforesaid, That if, at any time hereafter during the Continuation of this Act, the Captain-General of the Leeward Islands should be pleased to honor any particular Corps, or Regiment, of Militia by taking upon himself the Command of it, as Colonel thereof, he shall be authorized so to do; any Order or Regulation of any Council of War, or any thing in either of the said Acts, hereby intended to be continued, in any wise notwithstanding.

Authority to
Captain-Ge-
neral of Leew.
I. to be Co-
lonel, at plea-
sure, of any
Corps or Re-
giment of Mi-
litia.

Dated

43d GEO. III.

Nis. 574, 575.

A. D. 1803.

Dated at *Antigua*, the sixteenth Day of *June*, in the Year of our Lord one thousand eight hundred and three, and of His Majesty's Reign the forty-third.

O^y ASH, *Speaker*, pro tempore.

Passed the Council, the sixteenth Day of *June*, one thousand eight hundred and three.

Passed the Assembly, this sixteenth Day of *June*, one thousand eight hundred and three.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

PAUL HORSFORD,
Clerk of the Assembly.

Passed by the Captain-General, this sixteenth Day of *June*, one thousand eight hundred and three.

LAVINGTON. (L. S.)

Published, in the Town of *Saint John*, this sixteenth Day of *June*, one thousand eight hundred and three.

WILLIAM COLLINS, *Dep. Pro. Marshal.*

No. 575. *An Act to enable the Governor, or Commander-in-Chief, with the Advice and Consent of the Council and Assembly of this Island, to assemble the Militia, for certain Purposes, during the present War, when Martial Law is not in force; and for ascertaining the Authority of the Civil Power during Martial Law.*

PREAMBLE.

WHEREAS the Right Honorable Lord *Hobart*, one of His Majesty's Principal Secretaries of State, has, by Command of His Majesty, acquainted his Excellency the Captain-General, that, in consequence of the unfavorable Termination of the Discussions lately depending between His Majesty and the *French* Government, His Majesty's

43d GEO. III.

No. 575.

A. D. 1803.

Majesty's Ambassador has left *Paris* on the thirteenth Day of *May* now last past; and that, in consequence of that Event, His Majesty has been pleased to order that Letters of Marque and Reprisals should be issued with all Dispatch: And whereas in consequence thereof, Hostilities between *Great Britain* and the *French* Government, have actually taken place: And whereas many Occurrences may arise during the present State of Hostilities, so as to render it prudent to assemble certain PORTIONS of the Militia of this Island, at particular Times, and for particular Purposes, without any apparent Reason or Necessity for calling out, at the same Time, the whole Body thereof, or of declaring Martial Law to be in force throughout the Island; We, Your Majesty's most dutiful and loyal Subjects, the Captain-General and Governor-in-Chief of all Your Majesty's *Leeward Caribbee* Islands in *America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, most humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That, from and immediately after the Passing and Publication of this Act, it shall and may be lawful for the Governor, or Commander-in-Chief of this Island, by and with the Advice and Consent of the Council and Assembly of the same,—whenever they shall think it fit and necessary,—for the Purposes of forming Guards in any of the Towns, or other Parts of this Island, or of keeping Nightly Watches on any of the Forts, Fortifications, or other Posts therein,—to direct and order, by Proclamation under the Hand and Seal at Arms of the said Governor, or Commander-in-Chief, for such length of Time as they shall direct, all Officers and Privates of the different Regiments, Battalions, or Corps of the Militia, to hold themselves in readiness, and to assemble at such Times, and in such Places as they shall be, thereafter, particularly directed and required by the Order of the said Governor, or Commander-in-Chief, or some other Commanding-officer, for the Purposes of forming Guards or of keeping Nightly Watches; although Martial Law should not be declared to be in force over the WHOLE Island.

II. And be it further enacted, That all Orders and Regulations, for assembling the Militia for the Duty and Purposes aforesaid, and for apportioning and arranging thereof, and settling the Numbers of the said Guards, or Nightly Watches, and the Times and Places when, and to which, they shall respectively, meet, and be posted, victualled, and provided for,—and all other the necessary Details thereof,—shall, from time to time, during the Continuance of this Act,

ACT.
Chief-Com-
mander, of
Antigua—
Council and
Assembly
concurring—
may, by Pro-
clamation, re-
quire Militia
to prepare for
Service, and
employ Por-
tions of it as
Guards, with-
out declaring
Martial Law
over the whole
Island.

Orders for as-
sembling Mi-
litia, &c. to
proceed from
Chief-Com-
mander, with
Advice of
Council of
Officers con-
stituted as in
No. 485, S.
36.

Act, be made by the Governor, or Commander-in-Chief, in this Island, with the Advice and Consent of a Council of Officers, to be composed of all such Officers, as are particularly settled and directed—in and by the thirty-sixth Clause of the present Militia Act of this Island, dated the thirtieth Day of *March*, one thousand seven hundred and ninety-three—to compose such Council.

During Time stated in Proclamation, Members of Militia punishable, for Disobedience to Commanding-officers, under No. 485, S. 45, as if Martial Law was in force.

III. And be it further enacted, That, during such length of Time as the said Proclamation shall direct and specify, all and every Person and Persons serving or belonging to any of the said different Regiments, Battalions, or Corps of Militia, are hereby rendered liable and subject to all and every Order and Orders of their several Commanding-Officers, as fully, to all Intents and Purposes, as if Martial Law actually was in force, under the Regulations and Provisions of the herein-before mentioned Act of one thousand seven hundred and ninety-three; and, for every Neglect of Duty or Disobedience of such Orders, shall be liable to such Pains, Penalties, and Forfeitures to be inflicted by Courts Martial, in such manner and form as the same are particularly directed and provided for, in cases of Neglect and Disobedience, in and by the said Militia Act, dated the thirtieth Day of *March*, one thousand seven hundred and ninety-three.

During such precautionary Martial Law, Civil Authorities and Process of Courts not to be interrupted, except as in S. 5.

IV. And, to avoid all Disputes and Doubts, respecting the Existence and Extent of the Civil Power in this Island, during the Times that Martial Law is in force, by the Order of the Governor or Commander-in-Chief, with the Advice and Consent of the Council and Assembly; be it further enacted, and it is hereby declared by the Authority aforesaid, That during all the Times that Martial Law shall be, thus, in force, for the Purposes only of Precaution, on any Apprehensions or Suspicion of intended Invasion or Insurrection,—all and every the Powers and Authorities of, and belonging to, or vested in all and every of the Civil Magistrates and Officers of this Island, whether Governors, Deputy-Governors, Chancellors, Ordinaries, Judges, Justices of the Peace, Coroners, Constables, Provost-Marshals, their Deputies or Bailiffs, and all other Officers of the Peace, or Courts of Law or Equity, and all and every kind of Process issued from, or by them, shall be as valid, binding, and effectual over all Persons, and to the like Intent and Purposes, as the same were, or could, or may be deemed, taken, and adjudged to be, when Martial Law is not declared or intended to be in force and existence in this Island; EXCEPT as herein-after mentioned and provided particularly for.

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43d GEO. III.

No. 575.

A. D. 1803.

V. Provided nevertheless, That no Person, being obliged to attend on Military Duty whilst Martial Law is in force by Order of the Governor, Council, and Assembly, for Precaution aforesaid, shall be obliged to appear, or answer, to any Civil Suit, Writ, Summons, Subpœna, or any compulsory Process whatsoever, of a Civil Nature; or shall be liable to be served with the same, during the Times that he shall be going to, or remaining on his Post of Military Duty, or within twenty-four Hours after he shall have returned, as discharged from thence; nor shall any kind of Levy or Sale be had or made, during such Times, of any of his Goods, Chattels, Slaves, Lands, or Tenements, by virtue of any Execution or Decree whatsoever.

No Person going to, or on Military Duty, or till twenty-four Hours after; liable to answer, or be served with Civil Process, or to suffer Distress.

VI. Provided always, and it is hereby further declared and enacted by the Authority aforesaid, That when any Alarm shall be fired, occasioned by the Appearance of Vessels at Sea, or by an actual Invasion of the Enemy, or by actual Insurrection within this Island or the Islands thereto adjacent and belonging; all and every the aforesaid Powers and Authorities of, and belonging to all and every of the aforesaid Civil Magistrates, and other the Civil Officers, shall cease, and remain suspended for and during the Continuance of any Alarm occasioned by the said last-mentioned Causes, of Appearances of Vessels at Sea, actual Invasion, or Insurrection: but upon Discharge of the said Alarm, the said Civil Powers and Authorities shall, immediately, stand resumed and fully revived.

On Alarm occasioned by Vessels at Sea, or actual Invasion or Insurrection; Civil Authorities to cease, till Alarm discharged.

VII. And be it, and it is hereby enacted and ordained by the Authority aforesaid, That, immediately after the Publication of this Act, the Secretary shall cause the same to be printed in the Public Newspaper of this Island, without any further Order for the same being necessary.

Act to be printed.

VIII. And be it enacted and ordained by the Authority aforesaid, That this Act shall continue, and be in force, during the present War between *Great Britain* and the *French Government*, and such other Powers as may join therein with the latter.

Act in force till Peace with France.

Dated at *Antigua*, the twenty-third Day of *June*, one thousand eight hundred and three, and in the forty-third Year of the Reign of our Sovereign Lord *GEORGE* the Third, by the Grace of God of the United Kingdom of *Great Britain* and *Ireland*, King, Defender of the Faith.

JAMES ATHILL, *Speaker*.

VOL. II.

3 N

Passed

43d GEO. III.

Nis. 575, 576.

A. D. 1803.

Passed the Council, the twenty-
third Day of *June*, one thou-
sand eight hundred and three.

Passed the Assembly, this twen-
ty-third Day of *June*, one
thousand eight hundred and
three.

By Command,

WILLIAM MATHEWS,
Deputy Secretary.

PAUL HORSFORD,
Clerk of the Assembly.

Passed by the Captain-General, this twenty-third Day of *June*,
one thousand eight hundred and three.

LAVINGTON. (L. S.)

Duly proclaimed, this twenty-third Day of *June*, one thousand
eight hundred and three.

WILLIAM COLLINS, *Dep. Pro. Marshal.*

No. 576. *An Act for altering, and amending, and continuing an
Act, intituled, An Act for reviving, amending, and
continuing an Act, intituled, An Act for laying a
Duty of Powder on all Vessels trading to and from
this Island, for the Protection of the Trade of the
same; and for indemnifying the Collector thereof.*

PREAMBLE.

No. 566,
dated 26th
June, 1802;
which conti-
nued, with Al-
terations,
No. 348, da-
ted 20th July,
1773.

WHEREAS the several Acts for laying a Duty of Powder on
Vessels trading to and from this Island, for the Protection of the
Trade of the same, did expire at the Conclusion of the late War
between *Great Britain, France, Spain, and Holland*: And whereas an
Act hath since been passed, in consequence of the Peace concluded
at *Amiens*, in the second Clause of which said Act, it is enacted and
ordained, That every Master or Commander of any Ship or Vessel,
trading to or from this Island, shall, before his Departure from the
same, pay into the Hands of the Collector or Receiver that is, or
shall be appointed for that Purpose, one fourth part or quarter of
a Pound of Powder,—one half of which said fourth part or
quarter

ISLAND OF ANTIGUA.

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43d Geo. III.

No. 576.

A. D. 1803.

quarter of a Pound, shall be paid in common Powder; and the other half, in Pistol Powder,—for each Ton according to the Register of such Ship or Vessel: And whereas since the Passing of the said Act, Hostilities have been renewed between the United Kingdom of *Great Britain and Ireland*, and the *French and Batavian* Republics, whereby it is become necessary to increase the Stock of Powder for the Public Service: We, therefore, Your Majesty's most obedient, loyal and dutiful Subjects, the Governor-in-Chief in and over all Your Majesty's *Leeward Caribbee* Islands in *America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, do most humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That the said Act, (except as herein-after excepted and repealed,) and the Amendment herein-after made and set-forth, shall be and continue in force; be it therefore enacted and ordained, That, from and after the Publication of this Act, every Master or Commander of any Ship or Vessel, trading to and from this Island, shall, before his Departure from the same, pay into the Hands of the Collector or Receiver that is, or shall be appointed for that Purpose, one full Pound of Powder for each Ton, according to the Register of the Ship or Vessel under his Command; one half of which shall be paid in good Cannon Powder, and the other half, in Pistol Powder: PROVIDED NEVERTHELESS that all Foreign Vessels not trading under the *Free-port Act*, may commute the Duty of Powder imposed by this Act, in Money, at the Rate of six Shillings *per* Pound; any thing in this, or any former Act to the contrary notwithstanding.

ACT.
No. 566, as altered by Act, to be in force.

Powder-duty to be one Pound *per* Ton; half in Cannon,—half, Pistol Powder.

Foreign Vessels not trading under *Free-port Act*, may commute Duty at 6s. *per* Pound.

Dated at *Antigua*, the first Day of *October*, in the Year of our Lord one thousand eight hundred and three, and in the forty-third Year of His Majesty's Reign.

JOHN TAYLOR, *Speaker*.

Passed the Assembly, this twentieth Day of *September*, one thousand eight hundred and three.

Passed the Council, this twentieth Day of *September*, one thousand eight hundred and three.

PAUL HORSFORD,
Clerk of the Assembly.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

3 N 2

Passed

Passed by the Captain-General, this first Day of *October*, one thousand eight hundred and three.

LAVINGTON. (L. S.)

Duly proclaimed, in the Town of *Saint John*, this third Day of *October*, one thousand eight hundred and three, by me

WILLIAM COLLINS, *Dep. Pro. Marshal.*

No. 577. *An Act to alter and amend an Act, intituled, An Act to prevent Abuses in the Fishery about this Island.*

PREAMBLE.

No. 209.

ACT.

WHEREAS by an Act, intituled, *An Act to prevent Abuses in the Fishery about this Island*, dated at *Antigua*, the eighteenth Day of *November*, one thousand seven hundred and fifty-six, it is, with other Things, enacted, That, from and after the Time in the said Act limited, no Person or Persons, whatsoever, should sell or retail any kind of fresh Fish, except Turtle and Jew Fish, at a greater Price than at the rate of four Pence Halfpenny for every Pound of fresh Fish: And whereas, from the advanced Prices of Sein-twine, Cordage, and other Materials used in the Fishery about this Island, and of Negro Labour, Boatbuilding, and all Materials expended therein; it is impossible, that Sellers or Retailers of Fish, can afford to sell the same at the Prices fixed by the said recited Act; and it is, therefore, absolutely necessary, to increase the Prices of Fish, as the Subsistence of the Poor in particular, and the Inhabitants in general, of this Island, depends greatly on fresh Fish; We, therefore, Your Majesty's most dutiful and obedient Subjects, the Chief-Governor of Your Majesty's *Leeward Caribbee Islands in America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That, from and after the Expiration of fourteen Days next after the Publication of this Act, no Person or Persons, whatsoever, shall sell or retail Turtle, or fresh Fish, at a greater Price than at the respective Rates herein-after mentioned, that is to say:

For

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43d GEO. III.

No. 577. •

A. D. 1803.

For green Turtle alive, not exceeding fifty Pounds in Weight ; MAXIMUM PRICES of Fish.
two Shillings and three Pence *per* Pound.

For green Turtle alive, above fifty Pounds in Weight ; two Shillings *per* Pound.

For large green Turtle, cut up and sold by the Pound ; one Shilling and Sixpence *per* Pound.

For Turtle Eggs ; nine Pence for four Eggs.

For Jew Fish, cut up and sold by the Pound ; one Shilling and Sixpence *per* Pound.

For all other Species of fresh Fish whatever, nine Pence *per* Pound.

II. And be it, and it is further enacted and ordained by the Authority aforesaid, That every Seller or Retailer of fresh Fish, being a WHITE or FREE Person, who shall demand more than the Prices above prescribed, or who shall refuse to sell fresh Fish in any Quantity or Quantities not less than three Pounds at one Time, shall forfeit the Sum of five Pounds for every Offence ; to be recovered in the manner and form, as by the said recited Act is directed : AND every SLAVE who shall be guilty of the said Offence or Offences, shall be publicly punished, at the Discretion, and by the Order of any one of His Majesty's Justices of the Peace for this Island.

Free Person demanding more than *Maximum* Price ; or refusing to sell as low as 3^{lb}. to forfeit 5^l. recoverable as in No. 209, S. 6.

Slave to be publicly punished under Justice's Order.

III. And be it, and it is hereby further enacted and ordained by the Authority aforesaid, That, immediately after the Publication of this Act, the Secretary shall cause the same, together with the herein-before recited Act, to be printed in the Public Newspapers of this Island, without any further Order for the same being necessary.

Act, with No. 209, to be printed.

Dated at *Antigua*, the eighth Day of *October*, in the Year of our Lord one thousand eight hundred and three, and in the forty-third Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God of the United Kingdom of *Great Britain* and *Ireland*, King, Defender of the Faith.

JOHN TAYLOR, *Speaker*.

Passed the Council, this sixth }
Day of *October*, one thousand }
eight hundred and three. }

{ Passed the Assembly, this sixth
Day of *October*, one thousand
eight hundred and three. }

By Command,

WILLIAM MATHEWS,
Deputy Secretary.

PAUL HORSFORD,
Clerk of the Assembly.

Passed

43d GEO. III.

•Nis. 577, 578.

A. D. 1803.

Passed by the Captain-General, this eighth Day of *October*, one thousand eight hundred and three.

LAVINGTON. (L. S.)

Duly published, in the Town of *Saint John*, this tenth Day of *October*, one thousand eight hundred and three.

WILLIAM COLLINS, *Dep. Pro. Marshal.*

No. 578. *An Act to continue and to amend an Act, intituled, An Act for establishing Courts of Common Pleas, Error, King's Bench, and Grand Sessions, and for the better regulating and settling due Methods for the Administration of Justice; and also to continue another Act, intituled, An Act supplementary to the said Act.*

PREAMBLE.

No. 475.

No. 493.

No. 516.

No. 509.

No. 516.

WHEREAS an Act, intituled, *An Act for establishing Courts of Common Pleas, Error, King's Bench and Grand Sessions, and for the better regulating and settling due Methods for the Administration of Justice*, dated the twenty-first Day of *January*, one thousand seven hundred and ninety-one, and continued by an Act, dated the tenth Day of *May*, one thousand seven hundred and ninety-four, and further continued by an Act, dated the twenty-second Day of *April*, one thousand seven hundred and ninety-seven; and also another Act, intituled, *An Act supplementary to an Act, intituled, An Act for establishing Courts of Common Pleas, Error, King's Bench, and Grand Sessions, and for the better regulating and settling due Methods for the Administration of Justice*, dated the twenty-second Day of *April*, one thousand seven hundred and ninety-six, and continued by the above Act, dated the twenty-second Day of *April*, one thousand seven hundred and ninety-seven; will expire at the first Meeting, of the Council and Assembly of this Island, after the twenty-second Day of *April*, which will be in the Year one thousand eight hundred and four, unless further continued: And whereas it is highly expedient, the said two Acts should be continued: We, therefore,

ISLAND OF ANTIGUA.

463

44th GEO. III.

No. 578.

A. D. 1804.

therefore, Your Majesty's most dutiful, loyal, and obedient Subjects, the Captain-General and Governor-in-Chief in and over all Your Majesty's *Leeward Carribbee* Islands in *America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, do humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained, by the Authority aforesaid, That the said Acts shall be continued and remain in full force, from the Passing and Publication of this Act, for the Space of SEVEN YEARS, and from the Expiration thereof to the next Meeting of the Council and Assembly of this Island, together with the following Clauses, to wit.

Act.
No. 475 and
No. 509, with
Section 2. and
3. of Act;
in force for
SEVEN
YEARS and
till the
Houses meet.

II. Whereas it may sometimes happen, that a Verdict may be found, or Judgment entered up by Confession or on Demurrer, for the Penalty of a Bond conditioned for the Payment of Sterling Money of *Great Britain*, in which cases the Rate of Exchange is not ascertained; be it, therefore, enacted, That whenever a Verdict shall be found, or Judgment entered up by Confession, or on Demurrer, for any Bond conditioned for the Payment of a Sterling Sum; the Rate of Exchange shall be settled by the Chief Justice of the Court of Common Pleas, or, in his Absence from the Island, by the Senior resident Assistant Justice, either in Court or in his Chambers, according to the governing Rate of Exchange, on the Day when the Verdict was found, or the Judgment entered up, either by Confession or on Demurrer.

On Verdict or
Judgment
for Penalty of
Bond, payable
in *Sterling*;
Acting Chief
Justice of
C. P. to settle
Exchange by
governing
Rate on the
Day.

III. Whereas by the one hundred and twenty-sixth Section of the herein first recited Act, it is enacted, That the Provost Marshal, or his lawful Deputy, shall pay-back to every Defendant, whose Lands or Tenements, Goods, or Chattels, have been levied-upon and sold by virtue of any Execution or Executions, the Surplus of Money arising from such Sales,—after paying-off the Execution or Executions, and all Costs thereon,—within six Days after his Receipt of the same Money; and that if the Marshal neglects to pay such Surplus Money, within the Time aforesaid to the Defendant, or his or her Attorney; such Defendant, or his or her Attorney, shall have the same Remedy to obtain the same, as therein-after given to a Plaintiff in an Execution, where the Marshal neglects to pay him, or her, the Money in the Marshal's Hands, by virtue of any Sale being made: And whereas no such Remedy was given in any Part of the said first recited Act: but the Defect was supplied by the first Section of the herein second recited Act, as far as relates to PLAINTIFFS in Execution, without noticing the

Amendment
of No. 475,
S. 126.

SURPLUS:

44th GEO. III.

No. 578.

A. D. 1804.

Remedy in
No. 509, S. 1.
for Plaintiff
in Execution
against Mar-
shal detaining
Debt levied;
extended to
Defendant,
when Mar-
shal detains
Surplus.

SURPLUS: And whereas Doubts may arise, whether a Reference in one Act can be extended to another Act without being expressly specified; and it is expedient, that no Doubt should remain; be it therefore enacted and declared, That the same Remedy that is given, by the said first Section of the said second recited Act, to Plaintiffs in Execution, shall be given also to Defendants, for the recovering any Surplus, that may remain in the Marshal's Hands, after Payment of all Executions against the said Defendants with all Costs thereon.

Dated at *Antigua*, the sixteenth Day of *March*, in the Year of our Lord one thousand eight hundred and four, and of His Majesty's Reign the forty-fourth.

JOHN TAYLOR, *Speaker*.

Passed the Council, the second
Day of *February*, one thou-
sand eight hundred and four.

Passed the Assembly, this fif-
teenth Day of *March*, one
thousand eight hundred and
four.

By Command,

WILLIAM MATHEWS,
Deputy Secretary.

PAUL HORSFORD,
Clerk of the Assembly.

Passed by the Captain-General and Governor-in-Chief, this sixteenth Day of *March*, one thousand eight hundred and four; and in the forty-fourth Year of His Majesty's Reign.

LAVINGTON. (L. S.)

Duly proclaimed, in the Town of *Saint John*, this twenty-second Day of *March*, one thousand eight hundred and four.

WILLIAM COLLINS, *Dep. Pro. Marshal*.

No. 579. **An Act** to revive, continue, and amend an Act, intituled, An Act for increasing and regulating the Fees of Sworn Pilots.

PREAMBLE.
No. 521.

WHEREAS an Act, intituled, *An Act for increasing and regulating the Fees of Sworn Pilots*, dated at *Saint Christopher's*, the twenty-eighth Day of *December*, one thousand seven hundred and ninety-seven;

ISLAND OF ANTIGUA.

465

44th GEO. III.

No. 579.

A. D. 1804.

seven; and since continued and revived by another Act, intituled, *An Act to revive and continue an Act, intituled, An Act for increasing and regulating the Fees of Sworn Pilots*, dated at *Antigua*, the first Day of *April*, one thousand eight hundred and two, has, with such Act, since expired: And whereas it is found expedient, to revive and continue the said Act; We, therefore, Your Majesty's loyal and obedient Subjects, the Captain-General and Governor-in-Chief in and over all Your Majesty's *Leeward Caribbee Islands in America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, do most humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That the said recited Act be revived and continued, together with the following Clause.

No. 559.

ACT.
No. 521, as
enlarged by
S. 2. of Act;
in force.
See S. 3.

II. And, for the further and greater Encouragement of such Pilots who obtain Branches, and are attentive to their Calling; be it, and it is hereby also enacted and ordained by the Authority aforesaid, That when a Branch Pilot shall have brought a Vessel into the Harbour of *Saint John* in the said Island; the Master of such Vessel shall be obliged—if he employs any Pilot to carry him out of the said Harbour—upon his leaving the Island, to employ the same Pilot who brought him into the Harbour, and no other; PROVIDED such Pilot, at the Time of his boarding such Vessel for the Purpose of bringing her into the Harbour, boarded her when she was without the Limits, and not else; AND PROVIDED such Pilot is ready to take Charge of such Vessel to carry her out of the Harbour, after receiving due Notice from the Master of such Vessel, (which the said Master is hereby enjoined to give such Pilot,) of his Intention, at least twelve Hours before his Departure: AND if the Master or Masters of any Vessel or Vessels, shall take upon them to act otherwise, and employ any other Pilot than the one who brought him or them into the Harbour, under such Circumstances as are above recited; he or they shall be subject to a Penalty or Fine, of not less than five Pounds, or more than ten Pounds; to be recovered, upon Conviction before any two of His Majesty's Justices of the Peace for the said Island, any time within the Space of eighteen Calendar Months after the Departure of such Master or Masters from the Island; which said Fine shall be paid to the Treasurer of the said Island, or his lawful Deputy, for the Use of the Public thereof; and on failure of Payment of such Fine, so imposed, the said Justices are hereby authorized to commit the said Master or Masters of such Vessel or Vessels, to the Common-jail of this Island,

When Branch Pilot has brought Vessel into Harbour; Master, if he employs any, to employ same Pilot out; provided Pilot boarded, on Coming-in, without the Limits; and provided Pilot is ready, on twelve Hours' Notice, which Master is to give.

Master not giving Notice and employing other Pilot, under such Circumstances; to forfeit 5*l.* min. 10*l.* max. recoverable on Conviction before Justices, any time in eighteen Months after. Fine to go into Treasury. On Non-payment, Master to

44th Geo. III.

No. 579.

A. D. 1804.

to be imprisoned.

No. 521, as amended; in force for a Year, and till the Houses meet.

there to remain until such Fine is fully paid, with all Costs thereon, or until he or they shall be released by due Course of Law.

III. And be it enacted by the Authority aforesaid, That the said recited Act, so revived, continued, and amended, shall remain in force for the Space or Term of ONE YEAR from the Date hereof, and, from thence, to the next Meeting of the Council and Assembly of this Island.

Dated at *Antigua*, the seventh Day of *May*, in the Year of our Lord one thousand eight hundred and four, and in the forty-fourth Year of His Majesty's Reign.

JOHN TAYLOR, *Speaker*.

Passed the Assembly, this seventeenth Day of *November*, one thousand eight hundred and three.

Passed the Council, this twenty-sixth Day of *April*, one thousand eight hundred and four.

PAUL HORSFORD,
Clerk of the Assembly.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

Passed by the Captain-General and Governor-in-Chief, this seventh Day of *May*, one thousand eight hundred and four.

LAVINGTON. (L. S.)

Duly proclaimed, this ninth Day of *May*, one thousand eight hundred and four.

WILLIAM COLLINS, *Dep. Pro. Marshal.*

A

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WITH

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3 O 2

for

for Misdemeanor. Punishment for Misdemeanor, to exempt from Punishment as Accessary. No. 475. s. 207.ii. 113

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1.

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1725—

2.

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AFFIRMATION.

Affirmation of Quakers.

1.

1705—The *English Act* of 7. & 8. WILL. III. C. 34. intituled, *An Act that the solemn Affirmation and Declaration of the People called Quakers, shall be accepted instead of an Oath in the usual Form*, to be in force in the *Leeward Islands*.

Leew. I. No. 27. s. 2.i. 8

N. B. 7. & 8. WILL. III. C. 34. originally temporary, is made perpetual by 1. GEO. I. Stat. 2. C. 6. but is altered by 8. GEO. I. C. 6.

2.

1791—In Civil Causes, the Affirmation of Quakers to be taken, as appointed by the Act of the *Leeward Islands*, No. 27. or as it is or shall be altered [meaning as 7. & 8. WILL. III. C. 34. is or shall be altered] by subsequent Statutes of *Great Britain*.

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1.

1698—Acting Governor, with Legislature, to choose, annually or on Vacancy by Death, an Agent to represent the Colony at the *British Court*, solicit Confirmation of Laws transmitted, and negotiate Public Affairs.

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2.

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No. 109. s. 2.i. 125

II. *Period of Appointment.*

One Year, unless again chosen: but Agent to act after the Year till new Orders arrive. On

• receipt of such Orders, Powers to devolve on Successor.

No. 109. s. 4.i. 126

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1.

200*l.* Sterling, annually; to be remitted, with Reimbursement for Expenses, by Treasurer.

No. 109. s. 3.i. 125

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2.

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1.

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2.

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I. *Alien allowed to settle—Rights acquired by settling.*

1702—Protestant Alien desirous to settle, being approved, on Examination, by Governor and Council, to take Oaths, and subscribe Test. Ownership of ten Acres, or of House in Town, to make Alien a Freeholder, entitled to purchase and devise Lands; with Privileges of Native, except Capacity to fill certain Offices.

No. 127. s. 3.i. 146

II. *Offices for which Alien is disqualified.*

Counsellor—Assembly-man—Judge—Justice of Peace—Militia Field-Officer. Issue of Alien qualified.

No. 127. s. 5.i. 147

III. *Number allowed to settle.*

Not to exceed one-fourth of the *British* and Native Colonists.

No. 127. s. 4.i. 147

IV.

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1702—Confirmed in Privileges and Estates.

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ANNUAL TAX.

I. *Institution of Tax—Amount.*

1799—Number of Acres in ANTIGUA AND DEPENDENCIES in Possession 1st Jan. 1799; and Quantities of Sugar, Rum, and Molasses raised from 1st Dec. 1798 to 31st Dec. 1799, and between 1st Jan. and 31st Dec. in each succeeding Year; to be ascertained as in II. *infra*; [the temporary Regulations applying to first Year, are omitted in this Digest; and must be sought in Act,] and recorded as in IX. *infra*. AMOUNT OF TAX. On every Acre of Land, one Farthing, annually; every hundred Weight of Sugar, one Penny; every hundred Gallons of Rum and Molasses, three Pence. To be annually paid or recovered as in III. IV. *infra*.

No. 539. s. 1.ii. 335

II. *Mode of obtaining Account.*

1.

Ten Days before every 25th Jan. Treasurer to dispatch Letter to Justice of every Division, containing Notice of Act, with Form of Warrant with *Blanks* as described. Justice unable to attend, to furnish neighbouring Justice with the blank Warrant and Papers. Latter Justice to attend and take the Accounts as if originally applied to by Treasurer.

No. 539. s. 2.ii. 336

2.

Treasurer, furnishing Justice with Warrant, to send also Form for taking the Accounts with *Blanks* as described.

No. 539. s. 3.ii. 337

3.

When 25th Jan. falls on a Sunday, Accounts to be taken on 26th.

No. 539. s. 3.ii. 337

4.

Constable to summon Inhabitants forty-eight Hours previously. Constable's Fee, of Sixpence each Person, to be paid from Treasury.

No. 539. s. 11.ii. 341

ANNUAL TAX, II.

5.

1799—Oath of Person summoned.

No. 539. s. 5.ii. 338

6.

Affirmation of Quaker to be taken. Wilful and false Swearing or Affirming, punishable as Perjury by Laws in *England*.

No. 539. s. 9.ii. 340

Oath to be made by Owner, Occupier, or Possessor of Land being the *Person having Benefit of Produce*: unless under age, sick, disabled, or absent: in which Case, Executor, Attorney, or Manager, may make Oath; but Account to be in Owners' Name.

No. 539. s. 13.ii. 341

7.

Account to specify Name of Division. Land cultivated as *Sugar Plantation*, to be separately stated. *Country Land*, a distinct Account.

No. 539. s. 6.ii. 339

8.

Sugar, Rum, and Molasses made in different Years; to be stated separately in Account.

No. 539. s. 7.ii. 339

9.

Justice applied-to to take Accounts, to make Return in five Days into Treasurer's Office. To return Warrant at same time, with List of Persons summoned, sworn-to by Constable. Justices to be sworn, as to their own Lands, before Treasurer, at time of making Returns.

No. 539. s. 8.ii. 339

10.

Justice to signify, in Returns to Treasurer, all Defaults of Appearance. Treasurer to summon Defaulter, to account on Oath to him, at time by him appointed, not exceeding ten Days from Return. Treasurer, on Defaulter's not appearing to Summons, (on Constable making Oath of its Service forty-eight Hours previously,) to apply to Justices. Justices to issue Warrant. Defaulter not appearing to Justices' Warrant, to be committed till submissive. Defaulter to pay all Costs.

No. 539. s. 10.ii. 340

11.

Person electing to swear before Treasurer, instead of Justices; to pay Fee of 4s. 6d. Person

son proving that Sickness occasioned Non-attendance before Justices; exempt from Fee.

No. 539. s. 12. ii. 341

III. Day of Payment.

1799—Taxes on Lands in Possession and Produce, to be paid on 25th *May* next ensuing Day on which they are sworn-to.

No. 539. s. 14. ii. 342

IV. Recovery—Taxes charged on Goods and Lands.

1.

On failure of Payment; Treasurer in ten Days after Taxes due, to issue Warrant to Marshal for Levy and Sale of Defaulter's Goods, Chattels, and Slaves. Marshal failing to execute Warrant, or make Return; to forfeit 100*l*.

No. 539. s. 15. ii. 343

2.

Marshal to make Sale, at public Outcry, of Property levied-on, in ten Days; at such Town as Person levied-on shall request, or Treasurer, in default of Request, shall appoint. Marshal to advertise Sale in Newspaper five Days previously. To apply Produce to Taxes and Charges. To return Overplus.

No. 539. s. 16. ii. 343

3.

If Goods, Chattels, Slaves, insufficient; Treasurer to issue Warrant for Levy on Lands, Tenements, Rents, Annuities, and Hereditaments; and Sale by Outcry. Conveyance by Treasurer, acknowledged and registered; good for such Estate as Owner could convey:—to bar Estates Tail, &c.—For want of real Property, Defaulter to be imprisoned till Payment of Taxes and Costs. Treasurer not enforcing Clause, accountable out of his own Estate: but may reimburse himself by Levy on Defaulter.

No. 539. s. 17. ii. 344

4.

If not supplied by Defaulter, Marshal to hire or impress Carts, &c. to remove Property levied-on. Marshal to pay as agreed, or as Justice shall determine; to be reimbursed from Sale.

No. 539. s. 18. ii. 344

5.

1799—Taxes under Act to be Charge upon Goods, &c. Lands, &c. into whose Hands soever passing. To be Charge on personal Estate of *Person dying*:—Executors, &c. to pay Taxes prior to Debt to Subject, on pain of accounting out of their own Estate:—For want of personal Property of Deceased, real Property to be levied-on and sold.

No. 539. s. 19. ii. 345

V. Remission of Taxes.

Commander-in-Chief of *Leew.* I. and in his Absence, acting Governor of *Antigua*, with Consent of Council and Assembly, may remit Taxes under Act. Persons petitioning for such Remission, not to pay Fees.

No. 539. s. 21. ii. 345

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Treasurer, after circular Application to Justices, to advertise in all the Newspapers Particulars prescribed in Clause.

No. 539. s. 22. ii. 346

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Treasurer may retain $2\frac{1}{2}$ *per Cent.* on Amount collected. Marshal, 10 *per Cent.* on Levies.

No. 539. s. 23. ii. 346

VIII. Application of Taxes.

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No. 539. s. 20. ii. 345

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1.

Treasurer, on Returns being received, to enter them in alphabetical Order in Book or Books set apart. And Entry to be made of Persons' Names taking Returns, and other Particulars in Clause. Copies entered in Books, to be annually attested by Treasurer. Treasurer, not entering Copies, to forfeit 500*l*.

No. 539. s. 24. ii. 346

2.

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No. 539. s. 25. ii. 347

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3.
1799—Alteration in Books for Purpose of Deception; punishable as Forgery by Common Law of England.
No. 539. s. 25.ii. 347

4.
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[*And see PRACTICE (GENERAL)*
VII. 3. 4. 5. 6.]

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[*Or see PRACTICE (GENERAL) I. VI.*]

ARREST.

2.

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3.

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ARTICLES OF WAR.

1.

1793—The fifty-five Rules or Articles in Clause, to be in force during Martial Law.
No. 485. s. 45.ii. 164

2.

1794 & } Permanently in force over Gunners and
1798— } Matrosses.
No. 495. s. 2. and No. 525. s. 2.ii. 224. 294

ASSUMPSIT.

[*And see LIMITATION OF ACTIONS, III.*]

I. *Promise on Part of third Person.*

1786—No Action to lie, on Promise of Executor to pay out of his *own Estate*, or of Defendant to pay Debt of *Another*; unless Promise be in Writing signed by Party.

No. 438. s. 1.i. 526

II. *Particulars of Demand.*

1791—To be delivered in six Days after Request.

No. 475. s. 42.ii. 25

ATTACHMENT.

Debtor of Defendant.

1791—Debtor of *Defendant* absent or present may be attached.

No. 475. s. 26.ii. 17

[*See PRACTICE (GENERAL) XXV.*]

BAIL AND BAIL-BOND.

I. *Bail for Appearance.*

1.

1791—Bail to be taken for Sum indorsed on Writ.
No. 475. s. 15.ii. 11

Bail-bond

BAIL AND BAIL-BOND.

2.

1791—Bail-bond for Appearance; to be CONDITIONED for Appearance of Defendant at next Court, to answer Action, and to specify Plaintiff's Name, Nature of Action, and Sum.

No. 475. s. 19.ii. 13

3.

Bail-bond, forfeited by want of Appearance as in APPEARANCE I. to be assigned on Demand to Plaintiff. Plaintiff may declare on it as in PLEADING (PARTICULAR) I. Court may give equitable Relief against Forfeiture.

No. 475. s. 19.ii. 13

II. *Bail to answer Judgment*—See PRACTICE (GENERAL) VII. 4. 5. 6.

III. *Bail on Recognizance*—See COURT OF K. B. AND GRAND SESSIONS, XIII. 3. 6.

BAR TO ACTION.

[*And see TRESPASS ON THE CASE.*]

1.

1789—Tender of Amends for Damage by Irregularity in Distress for Rent, where Rent justly due.

No. 463. s. 7.i. 564

2.

1798—Payment by Owner of Damages through Slave's Offence, assessed by Jury trying Slave criminally; to bar Action for same Damages.

No. 527. s. 12.ii. 299

BAR TO INFORMATION, PROSECUTION, OR ACTION PENAL.

1.

1723—Conviction of Misdemeanor in receiving Goods from Slave contrary to Act No. 176; to bar Prosecution for being Accessary to Felony.

No. 176. s. 21.i. 224

2.

1791—Punishment for Misdemeanor in receiving Stolen Goods; to exempt from Punishment as Accessary.

No. 475. s. 207.ii. 113

3.

1723—Recovery before Justice, from Party accused on Suspicion and convicted of harbouring

BAR TO INFORMATION. 473

Slave, of Penalty in Clause 24; to bar further Prosecution.

No. 176. s. 26.i. 225

4.

1800—Recovery before Justice, from Party accused on Suspicion, of Penalty in Clause for Harboursing Slave on Shipboard; to bar further Prosecution.

No. 546. s. 6.ii. 371

BASTARDY.

I. *Litigated Bastardy.*

1672—Litigations respecting Bastardy to be settled by a Jury.

No. 21. s. 4.i. 57

II. *White Bastard.*

1.

1786—Where White Bastard born; Justices of Parish or Vicinity, after Investigation, to take, at Discretion, Measures for punishing Parents, relieving Parish, and supporting Child, by weekly or other Payments from either Parent.—Mother, or reputed Father, having Notice, and not performing Order, to be committed, unless Surety put-in to appear at Sessions.

No. 439. s. 1.i. 531

2.

If single Woman, delivered of, or declaring herself pregnant with White Bastard, shall, on Oath before Justice, charge any Person with being the Father; Justice, on Application of Churchwarden or Householder, to issue Warrant for his Apprehension—Such Person to be committed unless he give Security to Parish, or Recognizance to appear at Sessions.

No. 439. s. 2.i. 531

BENEFICED CLERGYMAN.

[*And see MARRIAGE; and see SLAVES (H) XVI. 2.*]

I. *Appointment*—See ADVOWSON.

II. *Qualification.*

1692—To produce Testimonials of being in Orders according to the English Church Testimonials to be recorded in Secretary's Office.

No. 80. s. 16.i. 92

3 P

III.

474 BENEFICED CLERK, III.

III. Stipend.

1.

1692—Parish to pay Minister 16,000*lb.* of Sugar every 24th *June*. Vestry may enlarge Remuneration.
No. 80, s. 16. 17.i. 92.

2.

1705—Beneficed Clergyman in *Antigua*, to receive Annual Stipend of 16,000*lb.* of good *Muscovado* Sugar; and proportionably for less time than a Year; to be paid by means established by Vestry Acts.
Leew. I. No. 33. s. 2.i. 17

IV. Recovery of Stipend.

1705—When more than Year's Stipend due, Commander-in-Chief of *Leew.* I. on Application, to commission seven Freeholders (four, a *Quorum*) to inspect Parish-books, examine Parties on Oath, and compel Payment of Arrears from Parishioners. Commissioners to take Oath to act conscientiously. Commission to be finally executed in twenty-eight Days. Provost-Marshal to attend Commissioners and execute their Precepts, under Penalty of 200*l.*, Imprisonment, and Forfeiture of Office. Marshal's Fees.
Leew. I. No. 33. s. 2. 3. 4. 5.i. 17, 18, 19

V. Privileges.

1.

1791—Person of Incumbent exempt from Arrest or Execution, at Suit of Subject.
No. 475. s. 105.ii. 58

2.

On Judgment against Incumbent of Parish, only one Moiety of Stipend subject to Levy; which Moiety Churchwardens, on Notice, are to pay to Marshal. Churchwarden, not entering Notice of Levy in Parish-book, to make Payment out of his own Estate.
No. 475. s. 105.ii. 58

VI. Suspension.

1705—Beneficed Clergymen convicted before Governor, on Oaths of two Witnesses, of Irreligion, or habitual Immorality, or scandalous Practices, to be suspended by Governor and

BENEFICED CLERK, VI.

Council. Acting Commander to apprise Bishop of *London*, of Suspension, and its Grounds, and wait the Bishop's Directions. Profits of Benefice, during Suspension, to be applied to Parish Uses.

Leew. I. No. 33. s. 6.i. 19

BENEFIT OF CLERGY.

1791—Person indicted for Felony without Clergy; shall—if he stand *mute*, or peremptorily challenge more than twenty Jurors, or become Outlaw—be excluded Benefit of Clergy.
No. 475. s. 204.ii. 111

BILL OF EXCHANGE AND PROMISSORY NOTE.

I. Bill of Exchange protested.

1791—To carry Interest at 6 per Cent.;—and 10 per Centum Damages if Action brought. Six per Centum Interest to run till Debt and Costs paid.
No. 475. s. 31.ii. 19
s. 72.ii. 41

II. Promissory Note.

1791—May be sued for, though not expressed for Value received. Promissory Note for Value received, and payable to Drawee or Order, assignable and to be sued for as Inland Bill of Exchange. Declaration to assimilate to Practice in *England*. Action within the Limitations of Act No. 163. s. 13; or see Limitation of Actions, III.
No. 475. s. 32.ii. 20

BLUBBER VALLEY BRIDGE.

1.

1793—Instead of decayed wooden Bridge, Arch of Stone to be built from Abutments on each Side of Gut between *Bermudian Valley* and *New Division*. Commissioners named, to contract for Workmen and Materials. Expenses not to exceed 600*l.*
No. 488. s. 1. 2. 3.ii. 211, 212

2.

Bridge to be kept in Repair by Waywardens as other Bridges.
No. 488. s. 4.ii. 213

BOND.

BON.

BOND.

[And see the various Titles.]

I. For Performance of Covenants.

1791—In Action for Penalty,—several Breaches may be assigned as in PLEADING (PARTICULAR) V. Jury to assess Damages for each Breach proved.

No. 475. s. 33.ii. 20

II. Action on Bond for Sum secured by Penalty.

Payment may be pleaded generally, as in PLEADING (PARTICULAR) VIII.

No. 475. s. 38.ii. 23

III. Payment in Sterling.

1804—On Verdict or Judgment for Penalty of Bond payable in *Sterling*, acting Chief Justice of C. P. to settle Exchange by governing Rate on the day.

No. 578. s. 2.ii. 463

IV. Bail-bond—see PRACTICE (GENERAL) VII. 3. 4. 5. and PLEADING (PARTICULAR) I.

BONDS AND SECURITIES (PUBLIC)

I. To Secretary, or filed in his Office.

1.

1669—Master of Ship arriving; to enter into Bond in 2000*l.* in Secretary's Office not to carry off Person without Ticket from Governor.

No. 17. s. 3.i. 54

2.

Inhabitant of *Antigua* intending to depart; to give Security in Secretary's Office for Payment of Debts, if opposed by Creditor in fourteen Days after Notice of Intention to depart.

No. 17. s. 4.i. 54

3.

Creditor opposing Departure of Inhabitant; to sign Bond, in 30,000*lb.* of Produce, to make-good Underwriting.

No. 17. s. 4.i. 54

4.

1794—In *St. John's* Parish, Churchwarden to enter into Bond filed in Secretary's Office. Penal Sum to be fixed by Vestry.

No. 499. s. 1. & seq.i. 23

BONDS AND SECURITIES, II. 475

II. From Public Officers.

1.

1696—Secretary.

No. 94. s. 4.i. 101

2.

Provost Marshal, or Deputy.

No. 94. s. 5. 4.i. 102. 101

3.

1784—Harbour-master of *St. John*.

No. 428. s. 12i. 514

BOUNDARIES.

1.

1692—Of Parishes.

No. 80. s. 20i. 93

1725—No. 184. s. 3. 6.i. 245. 247

2.

1753—Of *Old Road Division* and *New Division*.

No. 204. s. 5.i. 317

BOUNTY ON IMPORTATION OF SERVANT.

[Or see WHITE SERVANTS, &c. I.]

I. To Importer.

1.

1716—As in Clauses.

No. 153. s. 4.i. 183

1784—No. 422. s. 2.i. 489

1740-1—No. 194, s. 8.i. 276

II. To Servant.

1740-1—As in Clause.

No. 194. s. 8.i. 276

BRADSHAW OBADIAH.

1679—Exempted from Obligation to build on his Proportions within the time prescribed to other Settlers.

No. 50. s. 7.i. 80

BREACH OF COVENANT.

1791—In Action for Penalty, under Bond or Deed, several Breaches may be assigned.—As in PLEADING (PARTICULAR) V. Jury to assess Damages for each Breach proved, in addition to usual Damages and Costs.

No. 475. s. 33.ii. 20

BREAD AND BAKER.

I. Assize.

1799—When Wheaten Flour 33s. *per* Barrel, (the Barrel weighing 196lb. Standard *English* Avoirdupois;) Weight of Dog Loaf or three-half-penny Loaf to be 5oz. Avoirdupois. As Price of Flour varies, Weight of Bread to vary as in TABLE.

No. 538. s. 1.ii. 327

Loaf greater or less than Dog Loaf to weigh proportionate to Assize.

No. 538. s. 10.ii. 331

2.

President of Council, to summon Justice or Justices every *Monday* Morning; to average Flour, and fix Assize of Bread.

No. 538. s. 2.ii. 328

3.

President and Justice or Justices, to examine, at Court-house, two or more Flour-merchants respecting Price of Flour preceding Week. Flour Merchants' OATH. Dealer in Flour not appearing, to forfeit 20*l.* *max.* provided he were summoned by Notice in Writing left thirty-six Hours previous. Marshal's Fee.

No. 538. s. 3.ii. 328

II. Bread to be stamped—Baker to be licensed.

1.

Baker selling Household Bread, to stamp it with his Mark.

No. 538. s. 4.ii. 329

2.

Baker to obtain LICENSE from Secretary's Office, in which his Mark for Bread shall be described.

No. 538. s. 5.ii. 329

3.

Person baking Bread for Sale without taking-out License, to forfeit 20*l.*; failing to put on Bread Mark described in License; to forfeit 10*l.* *max.* Justice to seize and distribute Bread baked without License, or not regularly marked; besides inflicting Penalties. Information must be laid in forty-eight Hours after Offence.

No. 538. s. 7.ii. 330

BREAD AND BAKER, II.

4.

1799—Baker changing his Mark without License, or using another's Mark, or selling Bread not regularly marked; to forfeit 50*l.* The Bread, liable to Seizure.

No. 538. s. 9.ii. 331

III. Rolls, Bricks, and Biscuits.

Wheaten Household Bread formed into Rolls, Bricks, Biscuits, or other Shape; deemed Loaves; to be marked and weigh as Loaves. Sweet Cakes and Pastry, exempt.

No. 538. s. 10.ii. 331

IV. Bread deficient in Weight.

Penalty on Deficiency of Ounce or more in Pound of Bread,—for first Offence 10*l.* *max.*; second Offence, 30*l.* *max.*; third Offence, 60*l.* *max.*; recoverable by Information on Oath, when under 10*l.* before Justice, above 10*l.* before Justices.

No. 538. s. 8.ii. 330

V. Unlicensed Baker.

Liable to Penalties—for selling Bread deficient in Weight, unmarked or fraudulently marked, or other Offence—as a Common Baker.

No. 538. s. 9.ii. 331

VI. Search of Baker's Premises.

Justice or Justices, on Complaint or reasonable Suspicion, may, with Constables and others, search Premises of Baker licensed or unlicensed; examine Scales, &c.; Quality and Weight of Bread, &c. To fine, in 20*l.* and may commit, till Production, Baker refusing to produce Bread, Scales, Weights and Mark.

No. 538. s. 11.ii. 331

VII. Bread imperfectly baked.

Vendor of Bread imperfectly baked, though weighing as much or more than Standard; liable to Fine as for light Bread.

No. 538. s. 12.ii. 332

VIII. Bread from adulterated or damaged Flour.

Vendor of Bread made of adulterated or damaged Flour; to forfeit 20*l.*—Magistrate to destroy such Bread.

No. 538. s. 13.ii. 332

IX.

IX. Baker employing Scorbutic Person.

1799—Baker employing scorbutic or leprous Person in Kneading, or Baking; to forfeit 20*l.* max. 5*l.* min.

No. 538. s. 15. ii. 333

X. No Slave to be licensed Baker.

Secretary not to grant License to Slave.

No. 538. s. 6. ii. 330

XI. Form of Conviction under Act.

As in Clause.

No. 538. s. 14. ii. 333

BRIDGES.

I. Materials by Requisition.

1702—Waywardens empowered to cut Timber for Bridges.

No. 129. s. 19. i. 157

II. Dispute respecting Price of Timber.

1724—To be settled by Appraisement of two Freeholders.

No. 180. s. 13. i. 235

III. Erection or Repair by Contract.

Whenever Majority of Waywardens in Division deem it necessary, Waywardens empowered to contract with Artificer to build or repair a Bridge over Gut or Hollow-way. Bridge to be of Brick or Stone, where Expense will not exceed 40*l.*; otherwise, of Timber.

Waywardens may contract for Timber growing near, and hire Carts and Cattle. [QUERE. If since Act No. 533. s. 1. any Power, under Clause, to impress REQUISITION OF SLAVES, sent to Highways?]

No. 180. s. 12. i. 235

IV. General Authority for Payments.

Waywardens' Certificate of the Value of Labour or Materials impressed or contracted for; sufficient Authority for Payment by Treasurer.

No. 180. s. 14. i. 235

V. Repair by Strength of Slaves.

1.

Where only partial Repair necessary, Waywardens, to summon Masters of contiguous

Plantations to attend with White Person and one-third max. in numerical Strength of ablest Slaves. Each Slave to bring a Hoe; and every other, a Basket. Waywardens may also require as many Bills as Slaves, and four Axes; and where Slaves amount to ten, a Crow, two Pick-axes, two Spades,

No. 180. s. 11. i. 234

2.

1724—Male Owner failing to attend with White Servant and Utensils according to Directions of Waywardens, brought before Justice in four Days after Complaint; to be punished as in Clause.

No. 180. s. 21. i. 237

VI. Bridge between two Divisions.

1.

Majority of Waywardens of the two Divisions to have same Power as Majority of Waywardens of single Division where Bridge is entirely. Waywardens of either Division to attend Summons by Waywardens of other Division, etc.

No. 180. s. 15. i. 236

2.

1777—Thibou's Creek Bridge to be under Charge of Waywardens of St. John's and New Divisions.

No. 381. s. 5. i. 440

VII. Cleansing Creek.

1777 & } Waywardens may cleanse Gut or Creek
1793— } having Bridge thereon, for 100 Yards on each Side of Bridge; and remove Dirt, throwing it on the Banks. Summons to Inhabitants, as directed for Highways by Act No. 180, s. 6. 7. 8.

No. 381. s. 6. i. 440

No. 488. s. 5. ii. 213

VIII. Enforcements of Duty of Waywardens—See WAYWARDENS, III. and HIGHWAYS, XII.

BUILDINGS (PUBLIC) REPAIR OF.

Contract with Pew.

1.

1797—Act confirms Contract by Committee with John Pew, to REPAIR for ten Years, from

1st

• 1st Jan. 1795, Public Buildings particularised. The Buildings are recited to be,—the *New Barracks*, with the Hospital and appendant Buildings; *Rat Island Barracks*; the Common-jail; the Guard-house; and the Court-house, except the Panes of Glass in Secretary's or Marshal's Office. And *Pew* contracts to keep Court-house clean. Remunerations to *Pew*, as in 2. 3. following. On 3d July, 1795, *Pew*, with two Sureties, recited to have signed Bond to perform Contract.

No. 520. s. 1.ii. 277

2.

1797—Treasurer to pay *Pew* gross Sum of 76*l.* 8*s.* 9*d.* and so much of an Annuity of 950*l.* payable half yearly from 1st July, 1795, as at Act was due.

No. 520. s. 2.ii. 278

3.

Treasurer to pay *Pew* Annuity of 950*l.* by half yearly Payments, till Contract expire, unless prevented by Order of Commander-in-Chief, with Advice of Legislature.

No. 520. s. 3.ii. 278

4.

Contract and Bond, in Month from Act, to be acknowledged, registered, and recorded.

No. 520. s. 4.ii. 279

5.

Treasurer, in Name of Committee, may sue *Pew*, and Sureties, on Bond in case of Breach. Monies recovered, to Public Use.

No. 520. s. 5.ii. 279

6.

Indemnity to Committee.ii. 279

CERTIFICATE.

[*And see the various Titles.*]

I. Of Lands recovered or descended.

1698—Required by former Law from Secretary's Office; declared unnecessary.

No. 106. s. 8.i. 118

II. Certificate of Payment of Transient Tax— see ST. JOHN (B) VIII. 4. 5.

CHATTELS.

I. Temporary Regulation.

1679—Titles to Houses and Lands vested, as CHATTELS, previously to Act; not to be disturbed.

No. 50. s. 3.i. 79

II. Slaves.

1692—In default of Assets,—Slaves, Chattels for Payment of Debts, and for no other Purpose.

No. 83. s. 10.i. 97

CISTERNS FOR DRINKING-WATER.

I. Cistern on Plantation—Dimensions.

1.

1798—OWNER [*weigh the Tenor of the two Acts*] of Plantation, not having on Plantation one Cistern, *min.* for holding Drinking-water, to pay annually 30*l.* Cistern to contain 50 hogsheads of Water for every 100 Slaves. By "*Hogshead*" the Quantity "*100 Gallons, Wine Measure*," is to be understood. Cistern to contain 50 Gallons *per* Slave, whatever the Number of Slaves.

No. 524. s. 1.ii. 291

1801—No. 550. s. 1.ii. 377

2.

1798—Where *different Plantations under same Owner adjoin*; one Cistern, of Size proportioned to Number of Slaves, will suffice.

No. 524. s. 5.ii. 292

II. Cistern to House—Dimensions.

Owner of Dwelling-house in Town rented at 60*l.* *per Annum*—if Land belonging to House will admit, and no existing Tenure forbids Building of Cistern—to provide Cistern of 20 Hogsheads, *min.*

[See in I. 1. *supra*, Quantity meant by "*Hogshead*."]]

No. 524. s. 1.ii. 291

III. Cistern of inadequate Size.

1801—Person having Cistern of inadequate Size; to pay, yearly, 12*s.* for every fifty Gallons deficient.

No. 550. s. 2.ii. 378

IV.

IV. *Defective Cistern.*

1801—Person having Cistern out of Repair, or without proper Means of filling it; to pay as if he had no Cistern.

No. 550. s. 3.ii. 378

V. *Exemptions from Penalty.*

1.

1798—Estate within a Mile of wholesome, constantly-flowing Spring; exempt.

No. 524. s. 4.ii. 292

2.

1801—Tenant for Life of House in Town; not obliged to provide Cistern.

No. 550. s. 4.ii. 379

VI. *Annual Statement on Oath.*

1.

1798—Proprietor or Manager of Estate or House; to give Account of Cisterns, and answer Questions by Treasurer, on OATH.

No. 524. s. 2. 3.ii. 291

2.

1801—On annual Return,—Persons sworn, to be questioned as to State of Cisterns, and Mode of supplying them with Water.

No. 550. s. 3.ii. 378

3.

1798—Treasurer, in annual Application to Magistrates under *White Servant Act*; to include Accounts of Cisterns.

No. 524. s. 3.ii. 292

VII. *Application of Penalties.*

1798—Money collected under Act, to go to Public Use.

No. 524. s. 6.ii. 292

CLAIMS.

1676—Claim to Land; to be made by Action at Law.

No. 39. s. 12.i. 73

[*And see ACTION and LIMITATION OF ACTIONS.*]

CLERK OF THE CROWN.

1791—Clerk of the Crown, constituted Clerk of K. B. and Grand Sessions.

No. 475. s. 191.ii. 108

[*And see COURT OF K. B. AND GRAND SESSIONS, XI. 1.*]

CLERK OF THE MARKET.

1702—Appointment and Duty as in Clauses.

No. 126. s. 22. & seq.i. 140

1792—No. 484. s. 3.ii. 133

[*Or see MARKET, III.*]

COCKRAN ISLAND.

1725—Proprietor of Land in *Cockran Island*, suffering Loss from Public Enemy, to be indemnified by Treasury, as Inhabitant of *Antigua*.

No. 184. s. 10.i. 248

COINS.

I. *Coining, or debasing Money.*

1694—Coining, or debasing the Pieces of Eight of *Seville, Mexico, or Pillar*, the *French Crown*, the Piece of Eight of *Peru*, or other Money current in the *Leeward Island*; Felony without Clergy, and punishable with Death.

Leew. I. No. 12. s. 2.i. 4

II. *Value of Coins.*

1694—The Piece of Eight of *Seville, Mexico, and Pillar*, and the *French Crown*, to be current in *Leew. I.* for six Shillings each; the *Peru* Piece of Eight, for five Shillings; Divisions of those Coins to rate in Proportion, except that the Eighth-part of a *Peru* Piece of Eight shall pass for nine Pence.

Leew. I. No. 12. s. 1.i. 4

COMMISSIONS.

I. *Commissions in Militia.*—*See MILITIA.*

II.

• II. *Military Commissions not included in Militia Establishment.*

1798—Military Commission granted by Commander-in-Chief of *Leew. I.* (though a supernumerary Commission as it respects the Establishment of Officers under No 485.) valid; to confer the Rank expressed; and to exempt from Military Duty other than that named in Commission. This not affect Establishment of Officers in Militia Corps as fixed by Act No. 485.

No. 528.ii. 302

COMPLAINT.

1791—Action for Sum not exceeding 10*l.* founded on Simple Contract, Note, or Order, or for Balance of Account which did not originally exceed 30*l.*; may be determined, on COMPLAINT, by Judges of C. P. without Jury.

No. 475. s. 151.ii. 91

[*And see COURT (C)*]

CONFIRMATION OF PARTICULAR ACTS AND PROCEEDINGS.

1.

1802—Acts of *Antigua* passed with Assent, either of Hon. *A. Esdaile*, Hon. *J. S. Thomas*, or Hon. *R. Thomson*,—each a Counsellor of *St. Christopher*,—successively acting as Commander-in-Chief of *Leew. I.*; confirmed—as though each Commander had repaired to *Antigua*.

No. 567. s. 1.ii. 433

2.

Decrees, Orders, and Proceedings of *Antigua* Chancery during Administration aforesaid; confirmed.

No. 567. s. 2.ii. 434

3.

Judicial, Civil, and Military Commissions granted for *Antigua*, during Administration aforesaid; confirmed.

No. 567. s. 3.ii. 434

CONSIDERATION.

1791—Conveyance of real or personal Estate, void as to Creditors—unless legal Proof of its being for CONSIDERATION VALUABLE IN LAW.

No. 475. s. 100.ii. 55

CONSTABLE.

I. *Appointment.*

1791—On Death, or Removal; Appointment of Successor by two Justices of Division.

No. 478. s. 3.ii. 126

[*And see ST. JOHN (B) XV.*]

II. *Qualification.*

OATH.

No. 478. s. 2.ii. 126

III. *Protected from vexatious Suits—Responsibility for executing Warrant laid on Justice.*

1.

1803—Action not to be brought against Officer acting under Warrant, till six Days after Demand of Copy of Warrant and Refusal of Copy. If Demand complied with in six Days, Action not to be brought against Constable, without making Justice, also, Defendant. In joint Action against Justice and Constable, Verdict to be for Constable; but in case of Verdict against Justice, Costs against him to include Constable's Costs.

No. 572. Appendix, s. 6.ii. 448

2.

Action against Constable for *official Act*, must be commenced in six Months.

No. 572. Appendix, s. 8.ii. 448

IV. *Constable removing.*

1791—To give Notice in five Days to Magistrate of Division left; if none there, to Magistrate of next Division; under Penalty of 10*l.*

No. 478. s. 4.ii. 127

V. Attendance at Court of C. P.

1.

1789—Two Constables of *St. John's* to attend every Meeting of C. P.

No. 460. s. 1.i. 554

2.

Marshal to summon two Constables accordingly by written Notice to each, four Days previous, served as Summons to Jurors—Penalty for Default, same as Juror's.

No. 460. s. 2. 1.i. 554

3.

Marshal neglecting, or partially summoning; liable to Penalties.

No. 460. s. 4.i. 554

4.

No Constable liable to attend twice, till every other Constable has attended once.

No. 460. s. 3.i. 554

5.

Constable exempted from serving on Jury.

No. 460. s. 5.i. 555

VI. Attendance at K. B. and Grand Sessions.

1791—Constable to attend without Notice, under Penalty of *3l. min. 10l. max.*

No. 475. s. 195. 196.ii. 109

VII. Constables' Staves.

At Public Expense, to be provided and kept in Marshal's Office; for Constables' Use during Sessions of K. B.

No. 475. s. 199.ii. 110

VIII. Constable's Fees.

1803—Justice may award Constable, executing Writ or Process, reasonable Fees, not exceeding 66s. payable by Offender, or Prosecutor, or the Public, at Discretion of Justice. On Party not paying Fees awarded, Justice may direct Warrant of Distress to another Constable, for first Fees and Fees of Levy.

No. 572. s. 2.ii. 446

CONSTRUCTION.

Construction of particular Acts.

1798—In case of Doubt respecting No. 36. *Leew.* I. that Construction to be preferred, which best promotes the Protection and Comfort of the Slaves.

No. 36. *Leew.* I. s. 49.i. 42

CONTRACT.

[And see AGREEMENT.]

I. Contract for Sale of real Estate.

1786—Contract for Sale of Lands, Slaves, or Hereditaments, or for Interest in them; must be in Writing.

No. 438. s. 1.i. 526

[And see DEED.]

II. Contract for Sale of Merchandizes.

No Contract for Sale of Goods to Value of 20*l.* or upwards, forcible, unless Buyer receive Part; or give Earnest; or Memorandum be signed.

No. 438. s. 2.i. 526

CONVEYANCE.

[And see AGREEMENT AND DEED.]

1791—CONVEYANCE of real or personal Estate, void as to Creditors—unless made for Consideration valuable in Law.

No. 475. s. 100.ii. 55

CORONER.

1.

1791—To attend Court of K. B. and Grand Sessions without Notice, under Penalty of *3l. min. 10l. max.*

No. 475. s. 195. 196.ii. 109

[And see SLAVES (H) X.]

- 1796—On Levy and Sale of Marshal's Goods; entitled to same Fees as Marshal is entitled to take on Execution.
No. 509. s. 1.ii. 251

CORRECTION OF PUBLIC OFFENDERS.

I. Instruments.

- 1702—A Cage, Pillory, Stocks, Whipping-post, and Ducking-stool; to be erected or provided, at Public Charge, in *St. John's*, and in the other Towns when necessary. Private Land, necessary to be occupied, to be valued and paid for.
No. 126. s. 26.i. 141

II. Officer—see Title WHIPPER (COMMON).

COSTS.

[*And see DOUBLE COSTS; TREBLE COSTS; and the various Titles.*]

I. Action of Slander.

- 1718—In Action of Slander, Damages under 40s. not to carry Costs.
No. 163. s. 16.i. 199

II. Information under Act, No. 428. s. 3.

- 1784—Informer against Magistrate refusing to hear Complaint; to recover full Costs: failing in Prosecution, to pay Costs.
No. 428. s. 3.i. 510

III. Ejectment for Rent.

- 1789—Defendant obtaining Verdict, to recover full Costs.
No. 463. s. 10.i. 566

IV. Absentee's Attorney.

- 1791—Liable to answer Costs.
No. 475. s. 12.ii. 10

V. Action on Bail-bond.

- 1791—Full Costs to be paid on putting-in special Bail to stop Process: but in taxing Costs, Counsel's Fees to be allowed only on one Action.
No. 475. s. 21.ii. 14

VI. Abatement of Writ of Arrest.

- Plaintiff, or Defendant, losing Issue; to pay double Costs.
No. 475. s. 17.ii. 12

VII. Pleas extending to three.

- On Demurrer or Verdict, Opinion of Court as to Plaintiff having probable Cause for Pleas; to regulate Costs.
No. 475. s. 35.ii. 22

VIII. Discontinuance—Nonsuit.

- Plaintiff neglecting to prosecute Suit according to Practice of Court where depending,—or becoming Nonsuit,—to pay Costs; for which Attachment may issue, or Execution be taken.
No. 475. s. 45.ii. 27

IX. Motion.

- If Motion not made, or refused; Costs to be paid.
No. 475. s. 81.ii. 46

X. Affirmation of Judgment in Penal Action.

- Costs, on Affirmation of Judgment in Penal Action, may be given to Defendant in Error: but not against Executor.
No. 475. s. 162.ii. 97

XI. Petition for new Allotment.

- 1799—If Allotment confirmed, Petitioner to pay Waywardens' Costs; if Allotment annulled or varied, Treasurer to pay.
No. 533. s. 12.ii. 314

XII. Officer sued for executing Warrant.

- 1803—Costs,—if Verdict for Plaintiff, in joint Action against Officer and Justice,—to be paid by Justice.
No. 572. Appendix, s. 6.ii. 448

COURT (A) CHANCERY.

[And see the various Titles.]

I. Constitution of Court.

1.

1715—COURT OF CHANCERY to consist of Commander-in-Chief of *Leew. I.* and five or more Members of Council of *Antigua*.

No. 150. s. 2.i. 181

2.

If Counsellor be *Party* in Cause; Commander-in-Chief and three Counsellors, a sufficient Court.

No. 150. s. 3.i. 181

3.

1801—If Member of Council, *though not named in Proceedings as Party*, be *Agent to Party*, or *interested in Suit*; Captain-General, or temporary Governor, and two Members of Council, a competent Court.

No. 557. s. 1.ii. 406

4.

When Commander-in-Chief absent, and *Locum-tenens* interested; next Senior resident Member of Council, and two disinterested Members, an adequate Chancery.

No. 557. s. 2.ii. 406

II. Chancellor.

1715—Injunctions, and other Process, to issue in the Name, and under the Seal of Captain General at the time being;—to whom, the Fees and Perquisites of Chancellor shall belong—*but see III. infra.*

No. 150. s. 4.i. 181

III. Appointment of Chancellor by the Crown.

1732—So much of Act No. 150 as restrains the King from appointing the Person to preside in Chancery, repealed.

No. 188. s. 3.i. 253

IV. Appeal from Decree—See APPEAL FROM DECREE, OR JUDGMENT IN ERROR.

COURT (B) COMMON PLEAS.

[And see COURT (C)]

I. Place of Sitting—Jurisdiction.

1791—COURT OF COMMON PLEAS to be held in Court-house of *St. John*. To hear *Civil Actions*; Authority correspondent with C. P. at *Westminster*.

No. 475. s. 1.ii. 4

II. Number—Appointment and Qualification of Justices—Specific Powers.

1.

To consist of Chief Justice, and four Assistant Justices. Appointment to proceed from the King, or Commander-in-Chief of *Leew. I.* by Commission or Letters Patent under Great Seal of *Leew. I.* Each Justice to take, with usual Oaths, OATH prescribed.

No. 475. s. 2.ii. 5.

2.

One or more Justices may proceed-upon, hear, try, and determine all Causes and Suits prosecuted in C. P.—*except ISSUES IN LAW*; which shall be determined as in 3.

No. 475. s. 2.ii. 5.

3.

Argument in Special Verdict or Demurrer; to be heard and determined by *Chief Justice*, and *two other Justices*, on Day appointed by Court;—if either Justice absent, or interested,—by *two Justices*, min. One Justice to adjourn Hearing. If no Justice appear,—Acting Chief Justice, not interested,—on Application of either Party's Counsel,—may appoint another Day. Six Days at least between issuing Summons and Hearing.

No. 475. s. 44.ii. 26

[And see Court (E) X]

III. Times of holding Court.

First Tuesday in every *April*, *May*, *June*, *July*, and *August*. Court may be adjourned; Adjournment not to extend to next Court, nor exceed ten Days. Notice of Adjournment by Marshal to Judge absent. [And see ABATEMENT.]

No. 475. s. 3.ii. 6

IV. Extended Jurisdiction in Case of Recognizance.

1.

Court may, on Cause shewn, vacate or discharge Recognizance estreated in *K. B. and*

- *Grand Sessions, or stay Proceedings.* •
No. 475. s. 216.ii. 118

2
1791—Court may make Regulations for *Writs, Pleadings, and Practice, on forfeited Recognizance, in K. B.* in addition to Regulations in Act.
No. 475. s. 218.ii. 118

V. Rules of Court.

In Cases not provided-for by Act, Court may make Rules: to correspond as near as may be to Practice of C. P. in *England*.

No. 475. s. 224.ii. 120

VI. *Practice*—See PRACTICE (GENERAL) and (PARTICULAR) and the various Titles.

VII. *Pleading*—See PLEADING (GENERAL) and (PARTICULAR).

COURT (C) COMPLAINT.

I. Court—and Limitations of Sum.

Action for Sum not exceeding 10*l*.—founded on Simple Contract, Note, or Order,—or for Balance of Account which did not originally exceed 30*l*.—may be determined, on Complaint, by Judges of C. P. without Jury.

No. 475. s. 151.ii. 91

II. Limitations of Time.

1.

Judgment on former, to bar subsequent Complaint for Demand existing previously to former Complaint; EXCEPT Demand arise from Note in Writing for Sum exceeding 10*l*, or from Bill of Exchange, Judgment, or Specialty.

No. 475. s. 151.ii. 91

2.

Defendant not setting-off Demand against Plaintiff, (giving twelve Hours' Notice;) shall not afterwards bring Complaint for it.

No. 475. s. 151.ii. 92

III. Day for Complaints.

Second Tuesday in every April, May, June, July, and August, or Day to which Court may

adjourn. Adjournment not to exceed seven Days.

No. 475. s. 151.ii. 92

IV. Process.

1791—Summons, with Copy of Account, to be served forty-eight Hours before Court. Service, if too late, to stand for next Court. Another Copy of Account to be left at Secretary's Office.

No. 475. s. 151.ii. 91

V. Depositions.

If Plaintiff, or Defendant, or Witnesses cannot attend; their Depositions may be taken before Judge, on eight Hours' Notice to other Party.

No. 475. s. 153.ii. 93

VI. Execution.

To authorize Levy on Goods, Chattels, and Slaves of Defendant; in Default, to take the Body.

No. 475. s. 151.ii. 92

[And see VII. 3.]

VII. Executor Defendant.

1.

Executor, &c. Defendant to Complaint, may plead, "fully administered" *ore tenus*.

No. 475. s. 151.ii. 92

2.

If Executor, &c. makes Oath, that he had, before Summons to appear, fully administered, and that Assets exceeded 30*l*.—no further Proceedings; and Plaintiff to pay Costs of Non-suit, but may sue in C. P.

No. 475. s. 152.ii. 92

3.

Execution, where awarded, to be of Testator's, or Intestate's Effects.

No. 475. s. 151.ii. 92

VIII. Appeal.

Judgment on Complaint may be appealed from, for Trial by Jury in C. P. by either Party, giving Notice in forty-eight Hours; and lodging Money adjudged due with Secretary; and giving Security to prosecute Appeal without Delay, and pay treble Costs if Judgment

ment affirmed—unless Court certify probable Cause for Appeal: in which Case, single Costs only. Party not complying with these Forms, barred from Appeal; and Execution to issue. Secretary to certify Application, and return former Proceedings into C. P. in three Days. Parties may plead *ore tenus*, and deliver Evidence in C. P. as in Court of Complaint.

No. 475. s. 154.ii. 93

COURT (D) ERROR.

I. Constitution of Court and Jurisdiction.

1.

1791—Commander-in-Chief of L. I. or, in his Absence, Commander-in-Chief of *Antigua*, and five Counsellors, to sit as COURT OF ERROR. If other Judges interested; three Counsellors, a Court.

No. 475. s. 155.ii. 95

2.

In Civil Matters between Subjects, Writ of Error may be brought from Judgment in C. P. or Exchequer. Court to be Court of Record. In want of Royal Instructions, Writ of Error to lie for *unlimited Sum*.

No. 475. s. 155.ii. 95

II. Qualification of Judges.

1.

Member of Council, if Judge of C. P. or Baron of Exchequer, cannot sit, in Court of Error, on Writ to reverse Judgment given in his own Court: but may attend and assign Reasons for Judgment.

No. 475. s. 156.ii. 95

2.

Judges in Error to take OATH; to be administered by Secretary, in every Cause.

No. 475. s. 157.ii. 96

III. Process.

Writ of Error to be returned to Court, or Commander-in-Chief of L. I. and Council—There must be thirty-three Days, *max.* twenty-three Days, *min.* between *Teste* and Return.

No. 475. s. 158.ii. 96

IV. Security by Plaintiff—Limitations.

1.

1791—No Writ of Error to issue, (except as in 3. below,) unless Security by two Sureties in double Value, to pay Debt and Costs.

No. 475. s. 160.ii. 97

2.

Defendant in Error may except to Security before Return of Writ: if Bail neither justify before Secretary in eight Days from Notice, nor new Bail be put in; Execution may be taken out: Writ of Error, on Motion, being quashed with Costs.

No. 475. s. 161.ii. 97

3.

Executor, Administrator, or Guardian not obliged to give Security, farther than by Law of *England*; nor any Person on Writ brought on Penal Action. Costs, on Affirmation of Penal Action, may be given; but not against Executor.

No. 475. s. 162.ii. 97

4.

No second Writ of Error to be *Supersedeas* to Execution, except first was abated or lost without Default of Defendant. Unless Presiding Judge sign *Supersedeas*; Execution to take Effect.

No. 475. s. 159.ii. 96

V. Effect of Writ of Error.

Writ of Error lodged with due Security in fourteen Days after Judgment; to supersede Execution though begun to be levied.

No. 475. s. 163.ii. 97

VI. Transcript.

Secretary to mark, on Writ, Day of receiving it; and immediately to make Transcript of Record, at Charge of Plaintiff in Error. If Writ quashed through Neglect of Secretary, Court may award Costs against him; to be recovered by Attachment; or by Committal till Payment; provided Writ was lodged fourteen Days before Return.

No. 475. s. 164. 166.ii. 98

VII. Certificate.

Record, when transcribed, to be certified by Chief Justice or Baron, before or on *Return*

turn of Writ. If Record not transcribed by Return, Writ to be *quashed*. Secretary charged with preparing Certificate, Assignment of Error, and Proceedings in train for Hearing. No. 475. s. 167.ii. 99

VIII. *Assignment of Error.*

1791—Plaintiff to assign Error, whether Transcript made or not, in eight Days after Return of Writ—unless Time enlarged by Court; else Execution to issue.

No. 475. s. 164.ii. 98

[*And see Practice (General) XXVII.*]

IX. *Allegation of Diminution.*

If Diminution alledged, Secretary to inspect Record. Omission, if found, to be *made out* by SECRETARY, and presiding JUDGE to *certify it*. If no Diminution, SECRETARY to *certify it*: In latter Case, Defendant in Error to plead in fifteen Days, and pay Costs for Delay.

No. 475. s. 168.ii. 99

X. *Amendment of Writ.*

Writ of Error may be amended to *agree with Record*.

No. 475. s. 169.ii. 100

XI. *Immaterial Error in original Proceedings.*

Judgment on *Verdict* in C. P. not to be stayed or reversed for Defect in original or judicial Writ, or for Variance in Writ. Clause not to extend to *Indictment* or *Information*.

No. 475. s. 169.ii. 100

XII. *Death of Party in original Action.*

Death of either Party between Verdict and Judgment; not to be alleged for Error.

No. 475. s. 79ii. 45

XIII. *Notice to accelerate Argument.*

When Issue joined, either Party may (instead of *Scire facias*,) serve Notice for arguing Errors eight Days before Time. If Plaintiff neglect, Nonsuit: if Defendant, neglect, Court may examine Errors *ex parte*, and give Judgment.

No. 475 s. 170.ii. 100

XIV. *Error in FACT—Enquiry of Damages.*

1.

1791—On Assignment of *Error in FACT*, Court to direct Writ to Marshal for summoning Jury to try Issue as in XV. 2. *infra*. [QUERE. If *herein-before* in Clause should not be *herein-after*, adverting to S. 173.?] Court to pronounce Judgment.

No. 475. s. 171.ii. 100

2.

Subpcenas to proceed from Secretary for Witnesses to attend Marshal. Service, before Sunset of Day preceding Attendance. Witness not appearing, to be fined 50*l.* *max.* 10*l.* *min.*—Court may order new Trial, if Witness material. Reasonable Costs to other Party.

No. 475. s. 172.ii. 101

XV. *Costs and Damages.*

1.

Court may award, or order Secretary to tax Costs; and where Judgment affirmed, give Damages as found by Jury—except that, in Penal Action, Costs only without Damages to be given, and no Costs against Executor.

No. 475. s. 173. 162.ii. 101, 97

2.

ENQUIRY OF DAMAGES. For ascertaining Damages, Writ to proceed from Court to Marshal to summon Jury, returnable in fourteen Days. Defendant to give Plaintiff in Error three clear Days' Notice of Writ. Witnesses to be examined *viva voce*. In case of Ejectment, or Dower,—Wastes, and mesne Profits since first Judgment, to be considered. Court to pronounce Judgment for Damages found.

No. 475. s. 173.ii. 101

XVI. *Execution of Judgment.*

Judgment of Court of Error, as to *Execution* for principal Matter and Costs, to be executed by COURT BELOW. *Writ of Restitution*, in case of Reversal, to proceed from COURT BELOW. Transcript to be remanded. Secretary to enter, under first Judgment, Affirmation or Reversal; and to minute Parties' Names and Nature of Action, in Book for Records of Court of Errors.

No. 475. s. 174.ii. 102

XVII.

COURT (D) ERROR, XVII.

XVII. Rules of Court.

1791—Court of Error may establish further Rules for Practice, not repugnant to Act:—to be entered by Secretary at reverse End of *Book of Rules for C. P.*

No. 475. s. 175.ii. 102

XVIII. Judge's Fees.

Usual Fee, for Writ of Error. 10s. 6d. for signing other Writ or Warrant.

No. 475. s. 177.ii. 103

XIX. Appeal from Judgment in Error—See APPEAL FROM DECREE OR JUDGMENT IN ERROR.

COURT (E) KING'S BENCH AND GRAND SESSIONS.

I. Constitution of Court.

1.

1791—Court constituted of Lieut. General of *Leew. I.* Lieut. Governor of *Antigua*, Members of Council, Justices of C. P. Barons of Exchequer, Justices of Peace: but any Person invested with Prerogative of Pardoning, as Commander-in-Chief of *Leew. I.* cannot sit in Court.

No. 475. s. 184.ii. 105

2.

Five Justices, a Court; so as *two* of the five be—either Lieut. General or Lieut. Governor and a Member of Council, or two Judges of C. P. or Barons of Exchequer.

No. 475. s. 185.ii. 106

3.

Court, a Court of *Record*.

No. 475. s. 183.ii. 105

II. Jurisdiction.

1.

Jurisdiction extends over *Criminal Matters* and *Pleas of the Crown*, from High Treason to Misdemeanor and Trespass, same as that of Justices of K. B. *Oyer and Terminer* and General Jail-delivery, and Justices in Sessions, in *England*—And Court to adjudge in Matters respecting Alteration and Appointment of Highways, Waywardens, and Constables.

No. 475. s. 181.ii. 105

COURT (E) KING'S BENCH, II. 487

2.

1791—RESERVATION. Commander-in-Chief may issue Commission of *Oyer and Terminer* and Jail-delivery for particular Purpose.

No. 475. s. 182.ii. 105

3.

JUSTICES PROSECUTED—Justices, if prosecuted, subject to Jurisdiction of Court, and not to sit while Prosecution depending: EXCEPT Commander-in-Chief of *Leew. I.* Lieut. General of *Leew. I.* Lieut. Governor of *Antigua*, President of Council when acting as Lieut. Governor; who are amenable as in 11. and 12. WILL. III. Cap. 12.

No. 475. s. 188.ii. 107

III. Qualification of Judges.

Each Judge, in addition to Allegiance and Test Oaths, to take OATH.

No. 475. s. 186.ii. 106

IV. Precedence of Judges—Votes.

1.

Order of Precedence as in Clause.

No. 475. s. 185.ii. 106

2.

Votes, equal. Youngest Judge to vote first.

No. 475. s. 187.ii. 107

V. Times and Place of holding Court.

1.

First *Tuesday* every *March* and Last *Tuesday* every *September*; in Court-house in *St. John's*.

No. 475. s. 181.ii. 104

2.

Court may adjourn and sit for thirty Days from each half-yearly Meeting. If Court cannot meet as appointed, Chief resident Commander may appoint further Day, giving fourteen Days' Notice.

No. 475. s. 190.ii. 108

VI. Form of Proceedings.

1.

Proceedings to be in *English*, and to assimilate to Practice in *England*, founded on established Practice in *Antigua*.

No. 475. s. 192.ii. 108

Recognizances

2.

1791—Recognizances not formally mentioning *Style of Court*, to be nevertheless binding. Recognizances, with their Conditions, to be written and returned *at length*.
No. 475. s. 198.ii. 109

VII. *Officers of Court—and Attendants.*

1.

Clerk of the Crown of *Antigua*, Clerk of Court. Provost Marshal, Marshal of Court. Latter, at his own Expense, to find Cryer and three Under-officers to attend Juries.
No. 475. s. 191.ii. 108

2.

Coroners; Waywardens; Townwardens; Constables,—to attend Court without Notice.
No. 475. s. 195.ii. 109

3.

Officer or other Person not attending Court, liable to Fine of *3l. min. 10l. max.* Justices exempt *as Justices*. Fines to be recovered according to Process on Recognizances.
No. 475. s. 196. 209.ii. 109. 114
1796—No. 509. s. 6.ii. 252

VIII. *Summons of Justices.*

1791—Secretary (by *Letter*, delivered by Marshal,) to summon Justices six Days before Holding of Court.
No. 475. s. 194.ii. 109

IX. *Return Day.*

Inquests, Depositions, Recognizances, &c. to be returned to Clerk of the Crown four Days before Holding of Court.
No. 475. s. 197.ii. 109

X. *Judges' Power to take Bail—or grant Habeas.*

Two Justices of Court being also Justices of C. P. may take Bail, throughout the Year, as fully as K. B. in *England*. And may, on Motion of Counsel, grant *Habeas Corpus*, and remand or discharge with or without Bail, when Court not sitting, same as when sitting.
No. 475. s. 193.ii. 108
1796—No. 509. s. 12.ii. 254

XI. *Grand and Petty Juries.*

1.

1791—Clerk of the Crown ten Days at least before Holding of Court, to issue *Writ* to Marshal for summoning Grand and Petty Juries, *signed* by two or more Justices.
No. 475. s. 200.ii. 110

2.

Marshal, four Days before Court, to summon thirty eminent Persons, not Justices, to serve as Grand Jurors; forty-eight sufficient Freeholders and Inhabitants, to serve as Petit Jurors; and, five Days before Court, to *publish* when Court is to be held.
No. 475. s. 201.ii. 110

3.

Grand Juror not attending, to forfeit *10l.*—Petit Juror, *5l.*
No. 475. s. 203.ii. 111

XII. *Subpœna.*

Party may have Subpœna for Witness at a Penalty of *50l.* to be served as Subpœna in C. P. signed and sealed by Secretary only; tested in King's Name. This not to prevent *Binding over* Witnesses by Recognizance.
No. 475. s. 202.ii. 111

XIII. *Estreating Recognizance.*

1.

On Order of Court to *estreat Recognizance*,—Secretary, in four Days after, to make *Extract* of Recognizance, for Signature of Presiding Justice. Extract signed,—Secretary, in ten Days after, to deliver to Marshal, *Process for recovering Forfeiture*. Form of *Writ*.
No. 475. s. 209.ii. 114

2.

Proceedings of K. B. on *Recognizance*, to be recorded in C. P.—Defendant may plead as advised. Fees as in Suits between *Subject and Subject*.
No. 475. s. 210.ii. 116

3.

Defendant, taken on Recognizance,—*whether Freeholder or not*,—to give Special Bail, or be committed. *CONDITION* of *Bail-bond*. Appearance to be by *Recognizance*, with two Sureties, *CONDITIONED* to pay Execution awarded.
No. 475. s. 211.ii. 116

Marshal

4.

1791—Marshal to return Writ within six Days before next Court of C. P. If any Defendant cannot be taken, affixing Copy of Writ fourteen Days before Court, on Gate of Court-house, good Summons.

No. 475: s. 212.ii. 116

5.

If Defendant fail in Appearance, *etc.* Execution to issue. FORM of Execution.

No. 475: s. 213.ii. 117

6.

Bail-bond, if forfeited, to be proved at first Court of C. P.; and, at next Court, Judgment entered, and Execution issued.

No. 475: s. 214.ii. 117

7.

Where Special Bail has been given by Recognizance,—Execution, immediately on Breach, to issue.

No. 475: s. 215.ii. 117

8.

No Affidavit necessary to Writ of Execution on *forfeited* Recognizance. Execution may be levied, and real and personal Property sold, for ready Money, at any time of the Year. Notice as in Sales under other Executions.

No. 475: s. 217.ii. 118

[*And see* COURT (B) COMMON PLEAS, IV.]

XIV. Mitigation or Remission of Fines.

Court may mitigate or remit Fines imposed at same Court. Jurors' Fines to be entirely remitted or inflicted.

No. 475: s. 219.ii. 118

XV. Power of Court to commute Punishment of Felon.

Court may change Punishment of *Burning in the Hand* to *Fine and Imprisonment*; or, (in any Case except Manslaughter,) to Public or Private Whipping inflicted three times *max.* Whipping to be in Presence of two Persons, *min.* besides Offender and Officer; Female whipped, in the Presence of Females. *Effect in Law*, same as Branding.

No. 475: s. 208.ii. 113

XVI. Rules of Court.

In Cases not provided for by Act, Court may make Rules to correspond as near as may be to Practice of similar Court in *England*.

No. 475: s. 224.ii. 120

VOL. II.

COURT (F) MERCHANT.

I. Constitution of Court—Number of Judges.

1.

1799—Acting Chief Justice, with Assistant Justices of C. P. to sit as Judges in COURT MERCHANT.

No. 541: s. 2.ii. 351

2.

1717—Three Justices, a Court.

No. 158: s. 8.i. 192

3.

Court, a Court of Record.

No. 158: s. 12.i. 193

II. Jurisdiction.

1.

Extends to Action of Debt, or on the Case for Goods,—by Transient against Resident, or Resident against Transient, or Transient against Transient.

No. 158: s. 8.i. 192

2.

1799—Former *Limitation of Sum* in Action; removed.

No. 541: s. 1.ii. 351

3.

1717—Complaint, on Debt not exceeding 10*l.*; determinable by Court without Jury.

No. 158: s. 11.i. 193

III. Process—Practice.

1.

Petition for Court, when TRANSIENT is PLAINTIFF; to be supported by Affidavit, stating Applicant to be Transient leaving *Antigua*, and Interest litigated to belong to Non-resident. Court to be held in four Days after Petition. [*Declaration* as in 3. below.]

No. 158: s. 2.i. 189

2.

FREEHOLDER PLAINTIFF may proceed by Warrant of Arrest. Transient Defendant, to find Bail:—Or, if Defendant goes into Custody, Plaintiff need file Declaration only two Days before Court.

No. 158: s. 10.i. 192

3 R

Declaration

490 COURT (F) MERCHANT, III.

3.

1717—Declaration to be filed in Secretary's Office as in other Cases. Copy of Declaration, annexed to WRIT OF SUMMONS, to be served on Defendant two Days, *min.* before Court.

No. 158. s. 3.i. 190

4.

On Oath of Summons, and failure of *Plea* from Defendant; Judgment to be entered on Plaintiff's Evidence. If *Issue joined*; Trial in four Days.

If Default by Defendant; Judgment for Plaintiff. Plaintiff not appearing; to be non-suited.

No. 158. s. 4. 5.i. 190. 191

5.

If *Plea* in Abatement, or Demurrer, and *Plea* allowed; Plaintiff to amend. Issue to be, then, joined; and Judgment, given. If Day desired, to move in Arrest of Judgment; Delay not to exceed three Days. Execution—on Body, or Goods, at Plaintiff's Election—on Day after Judgment.

No. 158. s. 5.i. 191

6.

Practice, where not particularly directed, to be assimilated to that of C. P.

No. 541. s. 3.ii. 352

IV. Execution.

1.

1719—On Produce being taken,—Plaintiff and Defendant, within two Days, to name, each, two Appraisers. On Parties' refusing, or Appraisers' not attending or not agreeing,—Judge to name Umpire. Produce appraised, to be delivered to Plaintiff. Plaintiff to satisfy Defendant for Surplus.

No. 165. s. 2.i. 200

2.

Appraiser or Umpire disobeying Warrant; to forfeit 50*l.* On Refusal of Umpire, Judge to appoint new.

No. 165. s. 3.i. 201

3.

1717—On Defendant not bringing Goods to Town appointed by Marshal,—Marshal to charge their Carriage on Defendant. Further Levy, if first deficient. Surplus, to Defendant.

COURT (F) MERCHANT, IV.

Marshal to file Certificate with Secretary. [*The Tenor of No. 165. s. 2. 3. has been consulted in digesting Clause.*]

No. 158. s. 7.i. 191

V. Tender of Produce.

[*And see TENDER.*]

1719—Produce brought to legal Paying-place, (unless particular Place has been agreed on,) a good Tender, if Jury sanction the Price. Four Days' Notice must be given.

No. 165. s. 4.i. 201

VI. Fine of Juror.

1717—Court may fine absent Juror not exceeding 40*s.*

No. 158. s. 12.i. 193

VII. Fees.

1.

As in Docket for other Cases; *except* that Plaintiff shall advance 42*s.* to be divided between Jury,—to be allowed in Costs.

No. 158. s. 9.i. 192

2.

Fees for Complaints as in Complaints in C. P.

No. 158. s. 11.i. 193

COURT (G) MARTIAL.

[*Or see MARTIAL LAW, IV. V. VI.*]

1.

1793—Court to be constituted and conducted as in Clauses.

No. 485. s. 51. & *seq.* *usque ad* s. 58. and References *ibid.*ii. 180. 185

2.

Convened as in Clauses.

No. 485. s. 49. 50. 56. and References *ibid.* ii. 178. 179. 184

3.

Empowered as in Clauses.

No. 485. s. 49. 51. 52. 54. 59. 62. 46. and References *ibid.* ii. 178. 180. 181. 186. 187. 177

COURT-

COURT-HOUSE.

I. Site—Erection—Committee—Funds.

- 1748—Court-house to be erected in *St. John's*, on Site of Old Market-place.
No. 200. s. 12. 13. 14.i. 301. 302
S. 18. & seq. usque ad s. 35.i. 305

II. Uses.

1.

Court-house and Inclosure, vested to Public Uses following, viz.

Room upstairs, at East End and North Side; for Meetings of GOVERNOR AND COUNCIL.

Room upstairs, at West End and North Side; for Meetings of ASSEMBLY AND THEIR COMMITTEES.

Said two Rooms upstairs, when neither Council nor Assembly sitting; to be used by GRAND JURIES AND PETTY JURIES.

Middle Room upstairs on North Side; LOBBY between two Chambers of Legislature—and see 2. infra.

Long Room downstairs, on North Side; for SITTINGS OF COURTS OF JUSTICE.

Lower Room in Return at East End; PART of the Office for SECRETARY.

Upper and Lower Rooms in Return at West End; OFFICE OF PROVOST MARSHAL.

No. 200. s. 15.i. 303

2.

1801—Room upstairs at East End and South Side; WITHDRAWING ROOM for GOVERNOR RETIRING FROM COUNCIL-CHAMBER.

No. 555.ii. 394

CREDITOR.

[And see, among the various Titles, ACTION, and References *ibid*; EXECUTION; and FUGITIVE DEPARTURES.]

I. Creditor by Debt on Bond.

- 1791—May sue Heir and Devisee of Obligor jointly.
No. 475. Appendix, I. s. 3.ii. 122

II. Fraudulent Devise.

- 1791—Devise, void against Creditors; except it be for raising Portions, pursuant to Marriage Contract made before Marriage.
No. 475, Appendix, I. s. 2. 4.ii. 122

III. Fraudulent Conveyance.

Conveyance either of real or personal Estate, not legally proved to be for Consideration valuable in Law; void as to Creditors.
No. 475. s. 100.ii. 55

CROPS—APPROPRIATION OF—
WHERE ESTATE DETERMINES
WITH LIFE OF TENANT.

I. Sugar-canes.

- 1702—On Death of Tenant in Dower, Tenant for Life, or Tenant at Will; Writ to issue, on Application of Executor or Administrator, to four Planters to appraise Canes growing. Executor's right to use Mill and Works on Estate, in converting Crop into Rum and Sugar; to be considered in Valuation. Appraisement to be returned into Secretary's Office.
No. 128. s. 2.i. 149

II. Immature Canes.

Rattoon Canes not mature in twelve Months, and Plants in eighteen Months; excluded out of Appraisement.
No. 128. s. 3.i. 150

III. Party charged with Payment of Value.

Heir, Owner, or Reversioner in Possession, to pay Executor Value appraised; half in six Months, and Remainder in twelve: or, Execution to issue against his Goods, Negroes, and Stock, according to Title EXECUTION.
No. 128. s. 2.i. 149

IV. Obstructing or delaying Appraisement—Penalties.

Reversioner obstructing Appraisement to be committed till compliant; Appraiser neglecting Writ, to forfeit 40s.
No. 128. s. 6.i. 150

V. *Appraiser's and Secretary's Fees.*

- 1702—Each Appraiser to receive from Executor, 6s. for Appraisement, and 6s. for signing Writ of Appraisement. Secretary's Fees, as for other Writs of Summons and Execution.
No. 128. s. 5.i. 150

VI. *Waiver of Appraisement.*

1.

Representative of deceased Tenant, having Work nigh, may have his Quantity of Canes ascertained by Jury. Partition to be returned in two Months after Tenant's decease.

No. 128. s. 9.i. 151

2.

Executor not procuring Partition in two Months, to lose Benefit of Waiver.

No. 128. s. 10.i. 151

VII. *Heir exempt from Appraisement.*

Where Mill or Works have not been built on Estate, Heir is not bound to take Canes on Appraisement: but Executor may erect temporary Work to grind his Canes.

No. 128. s. 4.i. 150

VIII. *Property of other growing Crops.*

1.

Other growing Crops to belong to Executors for one Crop only, and to be reaped as follows;—Ginger, in thirteen Months; and Tobacco, Corn, and Provisions, in their Seasons.

No. 128. s. 7.i. 150

2.

Buildings on Estate for covering and housing Crops, may be used by Executors.

No. 128. s. 8.i. 151

IX. *Work left by Tenant.*

Work erected by Tenant, to be appraised, and paid for by Heir in twelve Months.

No. 128. s. 11.i. 152

CRYER (COMMON.)

I. *Appointment.*

- 1702—Office annexed to Clerk of the Market.
No. 126. s. 23.i. 140

CRYER (COMMON), II.

II. *Qualification.*

- 1702—Not to act till sworn before acting Governor or two of the Council.
No. 126. s. 23.i. 140

CRYER OF COURT OF K. B.

- 1791—Marshal, at his own Expense, to find Cryer.
No. 475. s. 191.ii. 108

CUSTOMS.

[Or see TAXES (B); TAXES (C); and TAXES (D).]

I. *Exports.*

- 1668—Produce of the Island; on Exportation, to pay $4\frac{1}{2}$ per Cent. to the King.
No 6. s. 2.i. 49

II. *Imports.*

1.

- 1697—Liquors to pay the Duties imposed.
No. 102. s. 2. & seq. and References *ibid.*
i. 112

2.

- 1721—Produce of French Colonies to pay the Duties in Clause.
No. 169. s. 2.i. 203

III. *Imports re-exported.*

Produce of French Colonies to pay *Enumerated Duty*.
No. 169. s. 3.i. 204

IV. *Drawbacks.*

- 1697—On Wines re-exported in six Months; half Duty to be remitted.
No. 102. s. 9.i. 115

CUSTOMS (OFFICER OF.)

I. *Appointment.*

- 1697—To proceed from acting Governor, Council, and Assembly.
No. 97. s. 5.i. 113

II. *Duty and Powers—see TAXES (C) II.*
DAMAGES.

DAMAGES.

[And see the various Titles.]

I. Amount.

1.

1798—In Action of Debt, for Negro Provisions as a prior Lien; Jury to find no greater Damages than for Amount sold, and none unless Act has been adhered to.

No. 36. *Leeuw*. I. s. 45.i. 40

2.

1791—In Action for Breach of Covenant; Damages for each Breach proved, in addition to usual Damages and Costs.

No. 475. s. 33.ii. 21

II. Assessment in particular Cases.

1.

BY JUDGES. Where Judgment passes by Default or on Demurrer, in Action for sterling Money or Currency; Proof of Debt before Judges without Jury, sufficient.

No. 475. s. 75.ii. 43

2.

BY JURY. In Action of Debt for foreign Money, or Goods of variable Value, or Action for Damages only; Jury to assess Damages.

No. 475. s. 75.ii. 43

3.

On death of Party between *interlocutory* and *final* Judgment; *Scire facias* to issue against Defendant or his Executor. If Cause not shewn sufficient to arrest final Judgment; Jury to assess Damages.

No. 475. s. 80.ii. 45

4.

Produce of *Antigua* to be assessed at Price current when Payment became due, unless specific Price fixed in Contract.

No. 475. s. 75.ii. 43

DEBT.

[And see the various Titles.]

I. Limitation of Action of Debt—see LIMITATION OF ACTIONS, I. III.

II. Debt on Bond.

1.

1791—In Action or Bond; Payment of Money mentioned in Condition may be pleaded generally.

No. 475. s. 28.ii. 23

2.

Creditor may sue *Heir and Devisee of Obligor jointly*.

No. 475, Appendix, I. s. 3.ii. 122

[And see PRACTICE (PARTICULAR) IV.]

III. Debt on Judgment.

PAYMENT AFTER JUDGMENT may be pleaded to *Scire facias*, or Debt on Judgment.

No. 475. s. 29.ii. 23

[And see PRACTICE (PARTICULAR) V.]

DEBTOR OF DEFENDANT.

I. Attachment, pending Action.

1.

1791—Debtor of Defendant served with Attachment, as in PRACTICE (GENERAL) XXV. to retain Money due, till Action determined. After Judgment, subject to Execution for Debt attached. To repay Plaintiff Money paid to Defendant after Attachment.

No. 475. s. 27.ii. 18

2.

After Judgment against Defendant, Debtor to Defendant, may be examined on Oath on Interrogatories before Judge, respecting Debt attached. Interrogatories, having been signed by Counsel, to be served on Debtor with Copy of Summons from Judge, Summons giving four clear Days' Notice. In settling Debt, mutual Credit to prevail; Balance only to be paid.

No. 475. s. 143.ii. 85

3.

Debtor or Attorney summoned, failing to attend, to be committed till he, in Examination, confess Debt equal to Plaintiff's Judgment, or declare Amount of Debt on Oath. Attachment or Levy, while continued, to bar Judgment by Defendant as *direct* Creditor.

No. 475. s. 144.ii. 85

Debt

4.

- 1791—Debt confessed or awarded, to be paid to Plaintiff in eighty Days after, should no Execution have issued against Defendant: in case of Execution, to be paid to Marshal. If Debt arise on Contract stipulating Time for Payment exceeding eighty Days; Debt not to be paid till eighty Days after Time.
No. 475. s. 145.ii. 85

II. *Costs of Attachment.*

- 1796—Where Debtor is awarded to pay Money to Plaintiff; Judge may order Costs to be paid out of Debt.
No. 509. s. 3.ii. 251

III. *Appeal by Debtor.*

1.

- 1791—Debtor may appeal from Judge's Determination, giving Notice within six Days from Determination. Matter in dispute to be tried by ACTION AGAINST DEBTOR, at Suit of Plaintiff, or Marshal, in Defendant's Name. Debtor not to litigate Debt confessed.
No. 475. s. 146.ii. 86

2.

Defendant (if served with Copy of Notice to Debtor four Days before) must attend Judge, with Debtor; and deliver-up Writing if Debt founded on Specialty; Account, if simple Contract. And in last Case, answer Interrogatories on Oath, and give-in Witnesses' Names to prove Debt. If Verdict for Defendant, Costs to Defendant.
No. 475. s. 147.ii. 86

IV. *Process when Defendant in Execution.*

Debtor to Defendant in Execution to be levied-upon by Notice to Debtor requiring Payment to Marshal. Notice to be served as Writ of Summons.
No. 475. s. 106.ii. 59

V. *Execution against Debtor.*

- 1796—Where Debtor fails to pay in time directed, Execution to issue as in other Cases.
No. 509. s. 7.ii. 252

VI. *Discharge of Debt.*

- 1791—Marshal's Receipt, or Entry of Payment in Marshal's Books, sufficient Discharge to Debtor.
No. 475. s. 107.ii. 59

VII. *Penalty of Perjury by Debtor—Return of Examination.*

Perjury of Debtor, punishable as Perjury at Common Law—Examination to be returned into Secretary's Office.
No. 475. s. 148.ii. 87

DECLARATION.

I. *Particular Forms.*

1.

- 1791—On Bail-bond; as in PLEADING (PARTICULAR) I.
No. 475. s. 19.ii. 13

2.

On Promissory Note; as in PLEADING (PARTICULAR) II.
No. 475. s. 32.ii. 20

3.

In Ejectment on Title; as in PLEADING (PARTICULAR) III.
No. 475. s. 30.ii. 19

4.

- 1798—On Debt for Negro Provisions as Prior Lien; as in PLEADING (PARTICULAR) IV.
Leew. I. No. 36. s. 45.i. 40

II. *Time for declaring, when Defendant not arrested.*

- 1791—As in PRACTICE (GENERAL) IV.
No. 475. s. 11.ii. 9

III. *Time for declaring, when Defendant arrested.*

As in PRACTICE (GENERAL) IX.
No. 475. s. 24.ii. 16
DEED.

DEED.

I. *Drawing.*

1698—Deed need not be drawn by Registrar, as required by a former Law.

No. 106. s. 8.i. 118

II. *Indenting.*

All Deeds already recorded, to be deemed indented. Future Deeds, if not indented when taken to Registrar, to be indented by him.

No. 106. s. 19.i. 122

III. *Execution.*

1705—Execution to be by Parties from whom the Interest passes; and the Wife must join, where Dower is to be barred.

Leew. I. No. 32. s. 3. 4.i. 15. 16

IV. *Attestation.*

1698—By Registrar, or his Clerk.

No. 106. s. 8.i. 118

V. *Acknowledgment.*

1.

BEFORE REGISTRAR. Conveyance of Land not good, till acknowledged before Registrar. Acknowledgment to be endorsed and attested by Registrar.

No. 106. s. 9.i. 118

2.

1705—TO OPERATE AS FINE AND RECOVERY. Deed acknowledged by the Parties from whom the Interest passes, before Justice of C. P. of *Antigua*; or before Justice of C. P. of ENGLAND or IRELAND; to pass Lands as effectually as Fine, Recovery, or other Assurance.

Leew. I. No. 32. s. 3.i. 15

[*And see 2. 3. following, and VIII. 2.*]

3.

1799—The Facility in 2. to Transfer of Property, where Parties reside out of *Antigua*; extended to Acknowledgment before Justice of K. B. or Baron of Exchequer in *England* or *Ireland*.

No. 537.ii. 326

4.

1764—The Acknowledgment before exterior Authorities, of Deeds executed, out of *Antigua*;

declared effective before Lord of Session, or Sheriff of County or Stewartry in SCOTLAND; or Judge of C. P. or other Court of Record in *LEEW. I.*; or before Judge of C. P. or other Court of Record in BRITISH Colony or Dominion in EUROPE, ASIA, AFRICA, OR AMERICA; or before Chief Commanding-officer in last-mentioned Place destitute of Court of Record; or before Chief *municipal* Officer of Town or City under FOREIGN DOMINION in EUROPE; or before Chief Commander in foreign Colony.

Judge or Commanding-officer under BRITISH DOMINION taking Acknowledgment, to certify it, (and Examination of married Woman when it accompanies Acknowledgment,) upon the Deed,—with the Name of the Place and Day, the Year of our Lord, or the King's Reign,—under such Officer's Hand and Seal. Officer under FOREIGN DOMINION in EUROPE taking Acknowledgment, &c. to certify it, under the Public Seal of the Town or City corporate. Officer in foreign DOMINION in ASIA, AFRICA, OR AMERICA, to certify under his Hand and such Seal as he shall use as a Public Seal.

No. 270.i. 370

VI. *Examination of Wife.*

1705—Where Dower is to be barred,—the Wife at the time of acknowledging the Deed, must be separately examined by the Officer taking Acknowledgment, as to her concurring in the Conveyance without Compulsion. Wife must be of age.

Leew. I. No. 32. s. 4.i. 16

VII. *Registry and Inrolment.*

[*And see XI. infra.*]

1.

EXECUTION IN ANTIGUA. Not recorded in twenty Days; void.

No. 39. s. 6.i. 71

2.

EXECUTION OUT OF ANTIGUA AND IN *LEEW. I.* Deed to be *inrolled*, within six Calendar Months after Acknowledgment, in Secretary's or Registrar's Office of that Island wherein Estate lies.

LEEW. I. No. 32. s. 5.i. 16

3.

1676—EXECUTION OUT OF *LEEW. I.* Deed executed in *Europe*, not recorded in *Antigua* within

within a Year; void—*except* in case of Accident in transmitting Deed. [*And see* 5.]

No. 39. s. 7.i. 71

4.

1705—Conveyance of Land in *Antigua*, executed in ENGLAND or IRELAND; to be *inrolled* within six Calendar Months after Acknowledgment, in Court of Chancery of that Kingdom where Acknowledgment was made.

Leew. I. No. 32. s. 5.i. 16

5.

1764—Deed executed out of *Antigua*; to be *inrolled* and recorded in Registrar's Office of *Antigua*, within two Years.

No. 270. s. 2.i. 369

6.

Deed executed out of *Leew. I.* acknowledged and certified as in V. 4. to be received for Registry without farther Proof.

No. 270. s. 4.i. 371

VIII. Operation.

1.

1698—Pleading Record of Deed, equal to Livery and Seisin.

No. 106. s. 21.i. 122

2.

1705 & } Deeds containing Words which pass the
1764. } Fee Simple, executed—without Livery of Seisin or Attornment—by the Parties from whom the Interest passes, (the Parties being of Age,) and acknowledged as in V. 4. (with Examination, when necessary, as in VI.) and registered according to the Laws of *Antigua*; shall operate to bar Dower, Remainders, Estates of *Femes Covert*, and Intails, as effectually as Fine and Recovery.

Leew. I. No. 32. s. 3.i. 15

No. 270. s. 1.i. 369

3.

1791—Conveyance of real or personal Estate, *void as to CREDITOR*; unless legal Proof given of its being for Consideration *valuable in Law*.

No. 475. s. 100.ii. 55

IX. Evidence.

1.

1705—The Acknowledgment [meaning the Certificate of Acknowledgment] to be sufficient

Proof of Execution. Record, or attested Copy of Deed, to be Evidence when Original is mislaid.

Leew. I. No. 32. s. 5.i. 16

2.

1705—No Deed executed beyond Sea; admissible as Evidence, till such Deed, with Acknowledgment, Examination and Certificate, be recorded *at length* in Register-office of *Antigua*.

No. 270. s. 4.i. 371

[*And see* EVIDENCE II. 2.]

X. Priority of Deed.

1.

1698—Time of Acknowledgment before Registrar, where Deed executed in *Antigua*; to be deemed Time of Registry.

No. 106. s. 11.i. 119

2.

1764—Where Deed executed out of *Antigua*, Time at which Deed shall be brought for Registry; to be deemed Time of Registry.

No. 270. s. 4.i. 371

XI. Conveyance of Slaves.

1.

1746—REGISTRY. Not in Writing and acknowledged by Vendor before Registrar in TWENTY DAYS from Date, void; if made or executed in *Antigua*.

No. 198. s. 3.i. 288

2.

Executed out of *Antigua* but within the *Leew. I.*; to be recorded in a YEAR,—executed out of *Leew. I.*, recorded in TWO YEARS, in Register-office of *Antigua*, Proof of Execution being made as in 3.

No. 198. s. 4.i. 288

3.

Previous to Registry of Deed in 2.,—Proof of Execution is requisite by Oath of one of the Witnesses to Deed, made in *Antigua*—before acting Commander-in-Chief, or Judge of C. P.—or Registrar. [*But see* VII. 6.]

No. 198. s. 5.i. 288

4.

EVIDENCE—Copy of Conveyance of Slaves, attested by Registrar; Evidence.

No. 198. s. 10.i. 289

PRIORITY.

DEED, XI.

5.

- 1746—PRIORITY. As in X.
No. 198. s. 8.i. 289

6.

SLAVES SOLD AS MERCHANTIZE. Sale of imported Slaves, as Merchandize; need not be registered.
No. 198. s. 6.i. 289

DEFENDANT.

[*And see the various Titles.*]

- 1791—Defendant must assist Plaintiff in recovering Debt, from *Debtor of Defendant* as in DEBTOR of DEFENDANT III. 2.
No. 475. s. 147.ii. 86

DEVISE.

[*And see WILL I. and DOWER III.*]

I. Circumstances affecting Devise.

1.

- 1791—Devise void against Creditors.
No. 475. Appendix I. s. 2.ii. 122

2.

Devise for raising Portion pursuant to *Marriage Contract made before Marriage*; good.
No. 475. Appendix I. s. 4.ii. 122

II. Estate pur auter Vie.

Devisable. Will to be executed according to Laws of *Antigua*.
No. 475. s. 102.ii. 56

DEVISEE.

I. Devisee cannot witness Will—See Title WILL I. 3.

II. Liability of Devisee.

1.

- 1791—Liable to be sued, jointly with Heir, in Action on Bond.
No. 475, Appendix, I. s. 3.ii. 122

2.

Liable for false Plea, as Heir by *English Law*.
No. 475, Appendix, I. s. 3.ii. 122
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3.

Having aliened before Action brought; liable as Heir in Title HEIR III. 1. 2.
No. 475, App. I. s. 7.ii. 123
— s. 102.ii. 56

DISCONTINUANCE.

[*And see the various Titles.*]

1.

- 1791—Absence of Justices on Day for Argument of Special Verdict or Demurrer; no Discontinuance. [For Mode of procuring Appointment of fresh Day, See PRACTICE (GENERAL) XV.]
No. 475. s. 44.ii. 26

2.

Plaintiff neglecting to prosecute Suit according to Practice of Court where depending; to pay Costs; for which Attachment may issue, or Execution be taken.
No. 475. s. 45.ii. 27

DISTRESS FOR RENT.

[*And see LANDLORD AND TENANT I.*]

Illegal or irregular.

1.

- 1789—If no Rent due to Person distraining; Owner of Goods to recover *double* Damages, and full Costs.
No. 463. s. 3.i. 562

2.

Where Rent justly due, Distress not unlawful through subsequent Irregularity, nor Party a Trespasser *ab initio*; but Party aggrieved to recover Satisfaction for precise Damage, with full Costs. Previous Tender of Amends to bar Action.
No. 463. s. 7.i. 564

DISTRIBUTION OF MONIES UNDER EXECUTION.

- 1790—Monies raised by Marshal under Execution to be shared among the Creditor lodging first Writ and Creditors lodging Execution in thirty-nine
3 S

498 DISTRIBUTION OF MONIES.

• *nine Days after the first, and so toties quoties, as far as the Levy will extend.*

No. 472. s. 1. & seq.i. 581

[Or see EXECUTION II.]

DOUBLE COSTS,

PERSONS WHO SHALL RECOVER THEM.

[And see the various Titles.]

I. Defendants.

1.

1740—Defendant to Prosecution for killing Hogs or Goats trespassing.

No. 193. s. 7.i. 269

2.

1789—To Prosecution for Entry or Seizure according to Act.

No. 463. s. 8.i. 564

3.

1793—To Prosecution for executing Act.

No. 485. s. 66.ii. 190

II. Prosecutors.

1.

1784—Person suing Justice for refusing to decide on Information under Act.

No. 425. s. 29.i. 503

2.

1803—Person recovering in Action against Justice for irregular *official Act*, if Judge shall certify Injury to have been wilful.

No. 572, Appendix, s. 7.ii. 448

DOWER.

I. Slaves, Works, and Cattle on Plantation.

1.

1705—Slaves, Coppers, Stills, Cattle, Horses, Asses,—used on Plantation,—liable to Dower. The Widow entitled to Action for the mesne Profits, against Party detaining Dower.

Leew. I. No. 31. s. 3.i. 12

II. Apportionment of Property.

1.

Provost Marshal to assign, on Application, a third Part of Dwelling House to Widow.

DOWER, II.

The Plantation and Works not to be parted : but to be enjoyed in undivided Parts by the Heir and Widow ; and the *Profits* apportioned.

Leew. I. No. 31. s. 4.i. 13

2.

1705—In Lands unsettled ; [not planted ;] Dower may be set-out in Severalty by Jury, with Metes and Bounds.

Leew. I. No. 31. s. 7.i. 14

III. Effect of Devise.

A Person devises to his Widow Part of his Estate out of which she is dowable, equivalent to a Third, without declaring it to be in bar of Dower,—and devises the Rest of the Estate to another Person:—the Devise to the Widow, to bar her of Dower, unless she accept Dower instead of the Devise.

Leew. I. No. 31. s. 5.i. 13

IV. Conveyance barring Dower.

In Conveyance by the Husband, the Wife must join, and be examined apart by Judge taking acknowledgment, as to her acting without Compulsion ; and she must be of Age ; or Dower will not be barred.

Leew. I. No. 32. s. 3. 4. and References to Acts of Antigua ibid.i. 15. 16

V. Dower in Ten-acre Lands.

1747—Widow of Possessor of SMALL PART OF PUBLIC LAND, descending or granted posterior to Act ; not entitled to Dower. Widow to receive 30*l.* from Treasury in lieu.

No. 199. s. 5.i. 294

VI. Dower in forfeited Land.

1.

One-sixth of Sum produced by Sale of forfeited Land under S. 8. of Act ; to be paid by Treasurer, in Satisfaction of Dower, if sued-for before whole Sum has been recovered, and before the Expiration of three Years.

No. 199. s. 10.i. 296

2.

After Recovery of full Value,—One Sixth for Dower, can be sued-for only against Person who has recovered full Value.

No. 199. s. 11.i. 296

DRAUGHTSMAN.

DRAUGHTSMAN.

Of Deed.

1698—Need not be Registrar, as required by former Law.

No. 106. s. 8. 18.....i. 118. 121

DROUGHER.

[*And see particularly FUGITIVE DEPARTURES, I.; HARBOUR (B) III.; and VESSEL II.*]

I. *Drougher of Antigua.*

1.

1802—Exempted from Powder Duty.

No. 566. s. 3.ii. 428

2.

1758—White Man navigating Drougher may be rated as Servant to Owner.

No. 214. s. 5.i. 349

II. *Rate of Freight.*

1.

1802—As in Table; with Augmentation of 50 per Cent. in War.

No. 565. s. 2.ii. 425

2.

Owner exacting higher Freight, to forfeit double.

No. 565. s. 3.ii. 425

III. *Responsibility of Owner.*

1799—Owner, on the same Footing, as to Responsibility, with CARRIER OF GOODS BY WATER IN ENGLAND:—No Agreement or Declaration to the contrary, will remove Responsibility.

No. 532. s. 4.ii. 308

DRUNKENNESS.

I. *Ground of Conviction.*

1668—Conviction of Drunkenness,—to be by View of Justice; or, Oath of two Witnesses; or, Confession.

No. 7. s. 5.i. 51

II. *Penalty—Procedure in Default of Payment.*

1668—Penalty, 50*lb.* of Sugar; to be paid in eight Days or leviable by Distress. Penalty, double after first Conviction. Constable, accountable to Overseers for Penalty. Offender, not paying nor having Distress, to be put in the Stocks four Hours; second Conviction, eight Hours.

No. 7. s. 5.i. 51

III. *Constable not executing Warrant.*

To forfeit 100*lb.* of Sugar to the Poor; leviable, by Marshal, under Governor's Warrant.

No. 7. s. 6.i. 52

IV. *Limitation of Prosecution for Drunkenness.*

Six Months from Offence.

No. 7. s. 7.i. 52

ECCLESIASTICAL JURISDICTION.

1692—Excluded.

No. 80. s. 19.i. 93

EJECTMENT.

I. *For Rent.*

1.

1789—When Half-a-year's Rent due; Landlord having Right of Reëntry for Nonpayment, may, without Demand or Reëntry, serve Declaration in Ejectment, or affix it on conspicuous Part of Premises. And if,—after Judgment against casual Ejector, or after Nonsuit through not confessing Lease, Entry, and Ouster, or on Trial,—it be proved, that Distress equal to Arrears was not on the Premises, and that Lessor in Ejectment had Power to reënter; then such Lessor to have Judgment and Execution as if Demand and Reëntry had preceded Action.

No. 463. s. 10.i. 566

2.

If Verdict for Defendant, (Defendant having confessed Lease, Entry, and Ouster;) Defendant to have FULL Costs.

No. 463. s. 10.i. 566

- 1789—If Defendant, *before Trial*, pay, or tender Landlord, or pay into Court Arrears and Costs; Proceedings to cease.
No. 463. s. 11.i. 568

4.

Lessee suffering Ejectment to proceed to Execution, without paying Arrears and full Costs, and without filing Bill in six Months; foreclosed Relief—*except* by Writ of Error; and Landlord to hold discharged of Lease.

Right of Mortgagee of Lease, *not in Possession*, paying, in six Months, Arrears, Costs and Damages; not to be barred.

No. 463. s. 10.i. 567

5.

Lessee filing Bill in time; not to obtain Injunction—*unless*, in forty Days after Answer of Plaintiff in Ejectment, he deposit in Court what Plaintiff swears due, with Allowances and taxed Costs,—to remain, or be paid on Security to Lessor, subject to Decree.

Lessee obtaining Relief; to hold *without new Lease*.

No. 463. s. 11.i. 567

6.

Lessor in Possession; accountable for what Profits he *bonâ fide*, and without Negligence makes.

If less made than reserved Rent; Lessee, before being reinstated in Possession, to make-up Difference.

No. 463. s. 11.i. 567

II. On Title.

- 1791—Ejectment for Land and Tenements may be brought in feigned Name; shaped after C. P. Process at *Westminster*. *Slaves and Plantation Stock*, when on Estate; to be included,—and not recoverable in separate Action.

Defendants having separate Claims; to deliver separate Particulars,—and receive, each, a Declaration.

No. 475. s. 30.ii. 19

ENGLISH HARBOUR.

I. Careening Place for Royal Navy.

- 1725—Two described Tracts of Land; attached to *English Harbour*, for careening and fitting King's Ships of War.
No. 182. s. 1. & seq.i. 241

ENGLISH HARBOUR, II.

II. Cisterns and Platform.

- 1733—Two Cisterns, or Reservoirs, ten Feet in Breadth, ten in Depth, and forty Feet long,—with a Platform 100 Feet square; to be erected at *English Harbour*, for careening and fitting Ships of the *British Royal Navy*.
No. 189. s. 2. & seq.i. 255

III. Wharf and Works.

- 1743-4—After Payment, for Tract of Land, to *Thomas Bodkin*, according to Valuation,—Five Acres of Tract to be vested in His Majesty, as Site of Wharfs, Stores, and Conveniences for careening and fitting Ships of War.
No. 197. s. 3. & seq. *usque ad* 7.i. 284

ERROR.

[*And see COURT (D).*]

- 1791—Death of either Party between Verdict and Judgment; not to be alleged for Error,—so as Judgment be entered at Court next after Verdict.
No. 475. s. 79.ii. 45

ESTATE.

[*And see FREEHOLD.*]

I. Estate Real, including Slaves.

- 1791—Estate of Owner exempt from Arrest, sold subsequently to Commencement of Suit against him; liable, in hands of Purchaser, to Sum recovered on Suit,—so as either interlocutory Order, or Decree, or Judgment be had on Suit in two Years.
No. 475. s. 28.ii. 18

II. Beneficial Interest in Trust Estate.

1.

Beneficial Interest in Trust Lands, Rents, and Hereditaments; liable to Judgment and Execution against Person for whom Trustee holds. Sold under Execution according to Laws of *Antigua*; to be holden free from Incumbrances of Trustee. Descending to Heir;
to

to be Assets, liable to Obligations of Ancestor, equally with Lands in Possession.

No. 475. s. 102.ii. 56
 Appendix, II. s. 10.ii. 123

2.

1791—Heir aliening, before Action brought; liable as for Lands descended in Possession in HEIR III. 1.

No. 475. s. 102.ii. 56

— s. 101.ii. 55

— Appendix, I. s. 5.ii. 122

III. Estate for Another's Life.

Estate *pur auter Vie*, devisable;—Will to be executed according to Laws of *Antigua*.

For want of Devise,—Estate chargeable in hands of Heir, as Land in Fee Simple, if it devolve by special Occupancy, or be Assets by descent. Where no special Occupant, Estate to go to Executor as Assets.

No. 475. s. 102.ii. 56

— Appendix, III.ii. 124

IV. Estate Personal.

Secreted, in third Person's Hands, after Commencement of Suit; liable to Levy for *Sum recovered in Suit*,—so as interlocutory Order, or Decree, or Judgment be had on Suit in two Years.

No. 475. s. 29.ii. 19

EVIDENCE.

[*And see WITNESS, V.*]

I. Insufficient.

1.

1786—Six Months after pronouncing Nuncupative Will,—no Testimony to it admissible, unless verbal Testament, or Substance of it, were committed to Writing in six Days after pronounced.

No. 438. s. 12.i. 529

2.

1798—In Action of Debt for Necessaries to Slaves as a prior Lien; Admission of Defendant not to be received.

Leew. I. No. 36. s. 45.i. 40

[*And see DEED, IX. 2; and WILL, IV. 2.*]

II. Sufficient.

1.

1698—Copy of Deed attested by Registrar.

No. 106. s. 14.i. 120

2.

1791—Production in Court of *Antigua*, of Deed, Letter of Attorney, Procuration, or written Power made in *Great Britain, Ireland, British Colony, or United American States*;—with annexed DEPOSITION proving its Execution,—sworn before Mayor or Chief Officer of City or Town Corporate in *Great Britain or Ireland*, or Governor or President of *British Colony*, or Mayor or Chief Officer of City or Town Corporate in *United American States*,—attested under Public Seal of City or Town Corporate, or under Hand and Public Seal of Governor or President of *British Colony*;—admissible Evidence—*provided* DEED so produced, if relating to Lands, Tenements, or Slaves, be acknowledged, and recorded in Register's Office of *Antigua* as in DEED, V. VI. VII.

No. 475. s. 58.ii. 33

[*And see DEED, IX.*]

3.

1786—Attestation of interested Witness to Will dying in Life-time of Testator, or before he shall have accepted or refused Legacy; admissible Evidence,—subject to Consideration of Court and Jury.

No. 438. s. 9.i. 528

[*And see WILL, IV. 5.*]

4.

1799—Copy of Allotment attested by Secretary.

No. 533. s. 5.ii. 312

5.

1723—Possession of Goods lost or stolen; sufficient Evidence of Misdemeanor contrary to Act,—unless Person indicted shew to Satisfaction of Court how he acquired Goods.

No. 176. s. 23.i. 224

[*And see SELLING PRIOR-LIEN PROVISIONS, III.*]

EXAMINATION ON SUSPICION.

I. Harboursing Slave.

1.

1723—Justice to summon Party accused on Suspicion. On being attended, to name Day for Trial

Trial not exceeding six Days, of which Accused is to take Notice. Justice to summon Witnesses. To examine Accused and Witnesses, on Oath. On Confession, or Proof; to fine Offender 3s. 6d. *per* Day, if Negro detained, be ordinary Laborer; 7s., if Artificer; with Costs. Justice to record Proceedings. Execution, in six Days from Judgment. Such Recovery to bar other Prosecution.

No. 176. s. 24. 25. 26.i. 224. 225

2.

1723—Accused contemning Summons, to forfeit 10*l.* to Party complaining; Witness, 5*l.* to Party grieved. If Accused or Witness absent, further Day of Trial.

No. 176. s. 27.i. 225

II. *Harbouring Slave on Shipboard.*

1.

1803—On Owner declaring, on Oath before Justice, Suspicion that his Slave is harboured on Shipboard contrary to Act; Justice to summon Party accused,—and, on being attended, appoint Trial on Day not exceeding six Days from Summons: to summon Witnesses. On Proof, or Confession; Party injured to recover, for each Day of Detention; if common Working Slave, 20s. *max.*; Handicraft Slave, 40s. *max.* Justice to return Record of Proceedings into Secretary's Office. Execution for Damage, to issue from latter Office. For want of Distress, Imprisonment. Justice's Fee, 12s. Secretary's Fee, 3s. 6d. Marshal's (or Constable's) Fees. Recovery, *bar* to further Prosecution. Accused apprised of Day of Trial, and not attending; to forfeit 40*l.*

No. 546. s. 6.ii. 370

2.

Witness summoned, in Writing, twenty-four Hours previously, and not attending; to forfeit 5*l.* Another Day to be appointed; Party desiring it paying Costs.

No. 546. s. 6.ii. 372

III. *Selling Cotton for Slave.*

1723—Person suspected; to be examined before Justice. Refusing to make Oath, that Cotton taken with him does not directly or indirectly belong to any Slave; to forfeit Cotton to Informer.

No. 176. s. 34.i. 228

IV. *Retailing Rum contrary to Act,*
No. 456.

1788—On Oath of Treasurer, naming suspected Person, and Person in Treasurer's Belief able to prove Offence; suspected Person and intended Witness to be summoned,—and Witness, examined on Oath. If Party appear guilty, Justice to notify it to other Justice. Both Justices to rehear Affair, proceeding as where Information is voluntary. [See LICENSE (A) IV.]

If Witness fail to attend in twenty-four Hours, Justice to direct Witness's Apprehension; and commit him, refusing to be sworn, till compliant.

No. 456. s. 10.i. 549

EXCHANGE—RATE OF.

1804—On Verdict, or Judgment, for Penalty of Bond payable in *Sterling*; Acting Chief Justice of C. P. to settle Exchange, by governing Rate on the Day.

No. 578. s. 2.ii. 463

EXECUTION.

[*And see* PRACTICE (GENERAL) XIX. I. XX. XXI. XXII. XXIII. *and* COURT (F) IV.]

I. *Landlord's prior Claim.*

1789—Goods taken in Execution; not to be removed from Premises before Payment of Arrears to Landlord, not exceeding *one Year's Rent*. Party suing-forth Execution, on paying *one Year's Rent*, may proceed on Execution. Marshal, to levy and reimburse Plaintiff Rent paid to Landlord.

No. 463. s. 4.i. 563

II. *Distribution of Monies raised.*

[*But see* PRACTICE (PARTICULAR) VII. 4.]

1.

1790—FIRST CLASS ENTITLED TO PAYMENT. Monies raised by Marshal under Writ of Execution; to be applied towards satisfying, in equal Shares, first Writ and all Writs lodged in thirty-nine Days after the first.

No. 472. s. 1.i. 581

2.

1790—SECOND CLASS. Surplus Monies remaining with, or coming to Marshal, after Satisfaction of first Class of Executions; to be applied towards discharging, in equal Shares, first Writ not lodged in time for first Class, and all Writs lodged in thirty-nine Days after first of second Class.

No. 472. s. 2.i. 581

3.

THIRD CLASS—SUBSEQUENT CLASSES. Surplus Monies in Marshal's Hands, after Satisfaction of second Class of Executions; to be applied, equally, towards Discharge of third Class; and then of each successive Class, as far as Monies will extend; reckoning forty Days to each Class.

No. 472. s. 3.i. 582

4.

ONE WRIT, A CLASS. Single Writ not followed in thirty-nine Days by any other Writ; to have prior Payment as a distinct Class.

No. 472. s. 4.i. 582

5.

EXCEPTION. Act not to affect Execution, or Process, for *Debt to the Crown*; nor to affect legal Rules or Forms in suing out Execution.

No. 472. s. 5.i. 582

6.

1791—CONFIRMATION of 1. 2. 3. 4. 5. *supra*.

No. 475. s. 90.ii. 50

7.

AFFIDAVIT OF CLAIM. Creditor-in-Execution, claiming distributive Share; to lodge, with Marshal, Affidavit made by Plaintiff, or his Attorney, before Judge of C. P. ascertaining Demand; or Marshal not to make Payment on account of Debt.

No. 475. s. 92.ii. 51

1796—No. 509. s. 2.ii. 251

III. Official Entry of Execution—See PROVOST MARSHAL, IV. 1.

IV. Commencement and Effect of Execution.

1.

1791—Execution to bind *Goods, Chattels, and Slaves* from Time of Delivery to Marshal.

[*And see PROVOST MARSHAL, IV. 2. 3.*]

No. 475. s. 93.ii. 52

2.

1791—Execution on *real and personal* Property; deemed actually levied from Delivery of Execution to Marshal.

No. 475. s. 99.ii. 55

V. Effect of Marshal's Inventory of Dead Goods.

Dead Goods, *inventoried on being taken in Execution by Marshal*; deemed in Custody of Law, though not taken away. Embezzling, destroying, or withdrawing them; a great Contempt, for which Court may fine and imprison.

No. 475. s. 116.ii. 65

VI. Peculiar Times and Circumstances when Execution, on Person or Goods, may, or may not proceed.

1.

On Person or Goods, no Execution on *Sunday*.

No. 475. s. 136.ii. 79

2.

No Execution, or Sale, *between thirtieth September and first April*, except by Consent of Defendant. This not to affect Writ of Possession, for Land recovered by Action or Ejectment; nor Execution against *Person* of Defendant, where sufficient Effects not found; nor Execution for Levy and Sale which has been prevented by Injunction [*see 3.*]; nor Execution to bind Annuity or Stipend in Hand of Payer, or attach Debt.

No. 475. s. 137.ii. 80

3.

Marshal, on Dissolution of Injunction, to levy; (if Levy not made;) and sell in twenty Days after advertising Sale.

No. 475. s. 139.ii. 82

4.

Twentieth August, last Day in current Year on which Execution can be levied with effect on FREEHOLDER,—unless Execution obtained as in PRACTICE (GENERAL) XVIII. 2.;—In latter Case, immediate Levy. Notice from Sale, in five Days from Levy. Sale on fifteenth Day from Notice.

No. 475. s. 138.ii. 80

5.

On Judgment against DEFENDANT NOT FREEHOLDER, Execution may be taken out and

and levied on Slaves, Goods and Chattels at any time of the Year; and Property levied-on may be sold on twenty-third Day after Notice—unless Security given, in six Days from Levy, as in XIII. 1. *infra*.

No. 475. s. 140.ii. 82

6.

1791—Though *Person* of Defendant imprisoned by Order of one Execution-Creditor, electing that Alternative according to PRACTICE GENERAL, XXII.; Marshal may seize and sell Property for Satisfaction of prior or subsequent Execution-Creditor: the Creditor directing Caption of the *Person* being, alone, excluded from Satisfaction out of the *Property* during Defendant's Life.

Marshal not to take Defendant's Person, unless directed, or Property found insufficient.

Of Defendant *set free at his own Request*, the Property may be levied on without new Writ.

No. 475. s. 141.ii. 83

7.

Execution on RECOGNIZANCE *binding to Appearance in K. B. and Grand Sessions*, may be levied at any time of the Year. [And see COURT (E) XIII. 8.]

No. 475. s. 217.ii. 118

VII. Order of Levy on different Kinds of Property.

Execution to be levied, *first*, on Produce; if Produce insufficient, (2.) on Household Goods; (3.) Plantation Stock and Utensils not affixed to Freehold; (4.) Slaves; (5.) Lands and Tenements; (6.) Rents and Annuities; (7.) Debts; as respectively found insufficient.

No. 475. s. 103.ii. 56

VIII. Penalty on shewing for Levy Goods not Defendant's.

Defendant or other Person shewing to Marshal, for Levy, Goods or Slaves the *Property of Another*, which are afterwards recovered from Purchaser; to forfeit double Value.

No. 475. s. 117.ii. 66

IX. Loss of Property before Sale.

If Goods perish, or Slaves die before Sale; further Levy: but Marshal responsible for Abuse or Neglect.

No. 475. s. 118.ii. 66

X. Removing Goods.

1791—Defendant to be at Charge of removing Goods to Place of Sale. Court to settle Charges, if disputed.

No. 475. s. 119.ii. 67

XI. Levy on Annuity.

Annuity to be levied-on by Notice from Marshal to Person paying Annuity,—served as Writ of Summons in PRACTICE (GENERAL) III. 2. Annuity to be paid to Marshal for use of Creditors until sold, or Execution satisfied.

Marshal may sue for Arrears, as Assignee of Defendant.

No. 475. s. 104.ii. 57

XII. Levy on Clergyman's Stipend—See BENEFICED CLERGYMAN, V. 2.

XIII. Sale, under Execution, postponed.

1.

If Levy made on *Slaves*, or *Goods not merchantable Produce grown in Antigua*; Marshal to redeliver them to Defendant, Attorney, or Agent,—if required in six Days after Goods in Marshal's actual Possession:—*provided* BOND, from Defendant and two Sureties, be given to Plaintiff, or Marshal; either to return Effects at end of twenty-three Days after Date of Bond, for Sale by Outcry; or to pay Debt and Costs. Defendant, or Agent, if required; to take OATH. Each Security, to take OATH.

Where twenty-third Day falls on *Sunday*, or *between 30th September and 1st April*; CONDITION to be, where Slaves levied-on, to return them on twenty-fourth Day, or on 2d *April*.

Plaintiff to have *Interest* upon his Debt from Date of Bond.

No. 475. s. 110.ii. 61

2.

If Condition of Bond not performed; *new Execution*, (sued-out as Execution against Purchaser in XIX. 1. *infra*), with Recitals directed in Clause, to issue against Defendant and Sureties, or two or one of them,—to levy so much of Penalty as will equal Execution, or appraised Value of Goods, and twenty *per Centum* with Costs. If Levy insufficient, to imprison Defendant and Sureties, or two or one of them.

New

New Execution to bind Property in Hands of Person purchasing after Minute of Execution by Secretary.

No. 475. s. 111.ii. 63

3.

1791—If Bond in 1. be taken in Marshal's Name; it may be assigned to Plaintiff and proceeded on by new Execution as in 2. Bond defeasible on legal Satisfaction, as a Bail-bond.

No. 475. s. 112.ii. 64

4.

If Bond given after *Property advertised*; Sale to be postponed as in 1.

No. 475. s. 114.ii. 64

XIV. *Sale of Slaves or Goods.*

1.

If Bond not given as in XIII. Marshal to keep Slaves or Goods in Common Jail; and immediately advertise, and, after ten clear Days' Notice, sell Effects. [And see XVIII. 3.]

No. 475. s. 113.ii. 64

2.

Property not to be advertised for Sale until in Custody, or Security given to produce it.

No. 475. s. 99.ii. 55

XV. *Manner of Sale of Slaves or Goods—Payment.*

1.

Goods to be set-up in Parcels. Slaves to be sold in Town of *St. John* only, one by one, except Child under twelve Years, who is to be sold with Mother. Sale, not sooner finished, to continue till Sunset. If not compleated at Sunset, to be adjourned to next Day. Slaves not to be struck-down in less than an Hour; nor Sale of *Lands* concluded till Sunset. *Property not Slaves* may be sold in *St. John's, Parham, Falmouth, Willoughby Bay, and Old Road*, on timely Notice from Defendant: Marshal, otherwise, to sell at *St. John's*.

St. John's, the Paying-place. Fourteen Days allowed for Payment. Goods and Slaves, till Payment, to remain with Marshal at charge and risk of Purchaser. [And see XIX. 1. third Paragraph.]

No. 475. s. 120.ii. 67

2.

Where Payment directed by Execution to be in Gold and Silver; Marshal not to take other Money.

No. 475. s. 72.ii. 42

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XVI. *Deposit at Sales.*

1791—Purchaser to deposit 5*l.* per Cent. on Sum not exceeding 100*l.*—4*l.* per Cent. on more than 100*l.* up to 200*l.*—3*l.* per Cent. on more than 200*l.* up to 300*l.*—2*l.* 10*s.* per Cent. on more than 300*l.* up to 500*l.*—2*l.* per Cent. on more than 500*l.* up to 1000*l.*—and 1*l.* per Cent. on more than 1000*l.* Execution-creditor entitled to Sum equal to Deposit, not obliged to pay-down more. Defendant not to bid, or purchase.

No. 475. s. 121.ii. 68

XVII. *Sale of Lands—Notice—Title.*

1.

Lands and Tenements may be sold [Notice being given as in 2.] on fortieth Day, excluding Day of Delivery, after Delivery of Execution to Marshal—unless redeemed from Sale by Payment, by Defendant, of all Executions, on or before fortieth Day.

No. 475. s. 123.ii. 69

2.

No Lands or Tenements to be sold until thirty Days after Notice. Notice to be computed from Date of first Newspaper in which it shall appear.

No. 475. s. 124.ii. 69

1796—No. 509. s. 11.ii. 254

3.

1791—Title Deeds of Lands,—with Abstract, and one or two Counsel's Opinion,—to be left with Marshal, by some Plaintiff-in-Execution, ten Days before Sale. Counsel's Fees, out of Purchase Money. Marshal to minute Day of receiving Deeds, Abstract, and Opinion; and not proceed to sell without.

No. 475. s. 125.ii. 70

4.

Where FREEHOLD more than equals Execution, Defendant may chuse what Part he will have sold,—if he deliver to Marshal *Appraisement sworn before Judge* verifying Value. Marshal to pay Surplus to Defendant. LEASEHOLD must be sold entire.

No. 475. s. 126.ii. 70

XVIII. *Conveyance of Property sold.*

1.

Conveyance by Marshal of *Lands, Tenements, and Slaves*, to be at expense of Purchaser;

ST

chaser; and to be as effectual as if by Defendant,—if duly recorded in Registrar's Office. Marshal, if required, to give Possession. No. 475. s. 127.ii. 71

2.
1791—Conveyance by Marshal, executed and acknowledged before Registrar, to bar Intail, as effectually, as if executed, by Defendant to Purchaser, under Act of *Leew. I.* No. 32. No. 475. s. 128.ii. 72

3.
Marshal's Sale, or Certificate not sealed, sufficient for *Goods and Chattels*. No. 475. s. 127.ii. 71

XIX. Purchaser making Default.

1.
If Purchaser of Lands or Slaves fail to complete Purchase, in *forty Days*, Benefit of Bidding lost; and Execution, reciting as directed, to issue, at instance of Plaintiff or Defendant, to levy on Purchaser's Property *Twenty per Centum*, with Costs; if Property insufficient, to take the Body. *Twenty per Centum*, applicable in Discharge of Costs of new Execution, Costs of former Execution, and Debts. Surplus to Defendant. Defendant's Lands to be again set-up to Sale after Ten Days' Notice.

Marshal, in ten Days from Expiration of fortieth Day after Sale of *real Estate*, (except as in XX. 1.) to cause, by Agency of Plaintiff's or other Counsel, Execution as above to proceed.

If Default relates to *personal Estate*,—Marshal, in ten Days after Expiration of fourteenth Day from Sale, to put new Execution in course.

No. 475. s. 129.ii. 72

2.
Secretary to enter Execution for Purchaser's Forfeiture of *Twenty per Cent.* among Proceedings.—Execution to bind Purchaser's real Property, subsequently, sold.

No. 475. s. 130.ii. 73

XX. Purchase Money exceeding 500*l.*

1.
Purchaser of Lands or Tenements for more than 500*l.*—may have Time for Payment extended to eight Months after forty Days; giving, in first forty Days, Security for Pur-

chase Money and Interest.

No. 475. s. 131.ii. 73

2.
1791—Security to be by Recognizance to Marshal, from Purchaser and two or more Sureties, each separately bound in a double Penalty. Securities not to exceed six. Security to be for whole Money unpaid. Form of CONDITION.

No. 475. s. 132.ii. 74

3.
Marshal to take Recognizance in Name of himself and Successors. Recognizance to operate, as a Judgment, on *Slaves worked on Land of Parties*. Registrar to swear Sureties; OATH. Surety having Lands without Plantation, to take substituted OATH. Forms attendant on Oath. Title Deeds of Surety to be perused by Counsel, if required by Plaintiff or Defendant.

No. 475. s. 133.ii. 76

4.
Security given,—Marshal to convey to Purchaser, subject to Recognizance. Conveyance to charge Property conveyed, with Purchase Money and Interest, and Penalty of *Twenty per Cent.* on Nonpayment.

No. 475. s. 134.ii. 77

5.
If Condition of Recognizance not performed; Justice of C. P. on Application of Execution-Creditor, to order Marshal to enforce Recognizance, against Purchaser and Sureties, as in Clause. Marshal's Fees. Judge's and Secretary's Fees, for *Scirefacias* and Judgment, as for Execution.

No. 475. s. 135.ii. 77

EXECUTORS AND ADMINISTRATORS.

[*And see ANNUAL TAX IV. 5; etc. PAROCHIAL AFFAIRS, V. 8; etc. COURT (C) VII. PRACTICE (PARTICULAR) VII. 5. COURT (D); etc. and "CROPS, &c."*]

I. Power over Slaves.

1692—Executor or Administrator may inventory Slaves, but not take them into Custody, that, in Deficiency of Assets, they may be sold for PAYMENT OF DEBTS. Slaves not to be *Chattels* for any other Purpose.

No. 83. s. 10.i. 97

II. *Estate pur auter Vie.*

1791—Where no special Occupant, Executor to have Estate *pur auter Vie* as Assets.

No. 475. s. 102.ii. 56

— Appendix III.ii. 124

III. *Liability to Bail.*

Executor or Administrator obliged (under Act) to give Special Bail, only where Law of *England* in force in *Antigua* requires it.

No. 475. s. 25.ii. 17

IV. *Liability to Execution.*

1.

Where Judgment obtained against Executor or Administrator, upon Judgment on Estate or Goods of Testator or Intestate, Execution to specify it. [*And see WRIT V.*]

No. 475. s. 87.ii. 49

2.

On Commission of Waste by Executor or Administrator, or false Plea subjecting him to Charge on his own Estate; Execution to be framed, to levy on Executor's or Administrator's Goods; Slaves; Lands, etc.; Rent Charges; Annuities; and Debts; to be sold and disposed as in common Executions; and to take the Body as the Case shall require.

No. 475. s. 87.ii. 49

3.

Subject to Execution on his own Estate or Person, no further, in consequence of Act, than Laws of *England* make Executor or Administrator liable.

No. 475. s. 87.ii. 49

V. *Party in Cause dying.*

Where Executor or Administrator, obtaining Verdict, dies,—Administrator *de bonis non* may sue-forth *Scire facias*, and take Execution on Judgment.

No. 475. s. 79.ii. 45

EXPENSES CHARGED ON TREASURY
—LIMITATION OF.

[*And see the various Titles.*]

Expense of punishing Slave.

1702—Expenses of punishing Slave not to exceed 5*l.* [*But see SLAVES (H) I. 14. 15.*]

No. 130. s. 18.i. 163

FACTORAGE.

I. *Allowed.*

1791—When Creditor nonresident actually pays Factorage; 5 per Cent. Factorage allowed.

No. 475. s. 72.ii. 41

II. *Disallowed.*

On Slaves; on Goods sold in *Antigua*; on Bill of Exchange protested.

No. 475. s. 72.ii. 41

FEES.

[*And see the Titles of the different Public Officers, and the various Titles.*]

I. *Dockets of Fees to Public Officers.*

1.

1765—Of REGISTRAR; for Registry of Deeds: Fees on Acknowledgment and Attestation: Fees for searching.

No. 275. s. 1.i. 374

2.

1696—Of SECRETARY; for Copies or Extracts of Acts.

No. 94. s. 2.i. 101

3.

No Date—Of Sworn SURVEYOR.

No. 27. s. 2.i. 60

II. *Fees to Secretary on Certificate and Proceedings in Court of Complaint.*

1791—As in Docket to be established by Court of C. P.

No. 475. s. 154.ii. 95

III. *Fee to Officer taking Affidavit for Arrest.*

Six Shillings.

No. 475. s. 14.ii. 11

IV. *Fees of Judges and other Officers for Business under Act No. 475.*

Where not expressly stated in Act, or in Docket; to be such as fixed by Commander-in-Chief and Council.

No. 475. s. 176.ii. 102

V. Fees on Proceedings on Recognizances.

1791—Same as in Suits between Subject and Subject.

No. 475. s. 210. ii. 116

VI. Fee for Levy of Fine imposed by Act No 485.

1793—Eight per Cent. and Officer to retain Charges certified.

No. 485. s. 64. ii. 189

FELONY.

I. Within Clergy.

1.

1672—Wilful or careless Burning of Sugar Canes, by Person wandering from Highway into Plantation.

No. 22. s. 5. i. 59

2.

1676—Embezzling, razing, losing, interlining, or defacing principal Deed or Record in Registrar's Office.

No. 39. s. 4. i. 70

3.

1702—Violent taking-away of Slave from PLANTATION; punishable as Robbery. [But see Title ROBBERY; and see II. 2. infra.]

No. 130. s. 3. i. 159

4.

1723—Receiving from Slave Goods knowing them to be stolen, though principal Offender not known or not convicted; becomes Felony on second Conviction.

No. 176. s. 20. i. 223

5.

1791—Receiving or buying stolen Goods, or harbouring Burglar, Felon, or Thief.

No. 475. s. 207. ii. 113

II. Felony without Clergy.

1.

1694—Coining or debasing Money current in the Leeward Islands.

Leew. I. No. 12. s. 2. i. 4

2.

1702—Carrying forcibly, or attempting to carry, or deluding Another's Slave from ANTIGUA.

No. 130. s. 3. i. 159

FELONY, II.

3.

1784—Forgery as described in FORGERY, III. 1. or uttering Instrument knowing it to be forged.

No. 426, Appendix I. s. 1. i. 507

4.

Forgery as described in FORGERY III. 2. or uttering Instrument knowing it to be forged.

No. 426, Appendix, II. i. 508

5.

1788—Stealing Vessel from Road or Harbour.

No. 452. i. 541

6.

1791—Robbery from Person; Aiding, &c.

No. 475. s. 205. ii. 112

7.

Stealing out of House, Shop, Warehouse, or Outhouse to Value of 10%.

No. 475. s. 206. ii. 112

8.

1798—Stealing Sheep, Bullock, &c.; or killing with Intent to steal Carcase; or assisting in such Offence.

No. 531. ii. 304

FELONIES OF SLAVES.

Punishable with Death.

1.

1723—Absconding for three Months of twenty-eight Days, at one time, after being a Year on the Island; or, Absconding for several times, in the course of two Years, amounting to six Months.

No. 176. s. 4. i. 216

2.

Leading a Gang of ten or upwards belonging to one Plantation, to abscond with Offender for ten Days or more.

No. 176. s. 6. i. 217

3.

Attempting White's Life; burning or attempting to burn White Person's House; abetting either Act.

No. 176. s. 18. i. 222

FINE

FINE AND RECOVERY.

Not necessary.

1705—Fine, or Recovery, not necessary to complete Conveyance of real Property in *Antigua*.

Leew. I. No. 32. s. 3. and References *ibid* i. 15

[*And see* DEED VIII. 2.]

FIRE (A) IN PLANTATIONS—
REGULATIONS TO PREVENT.*Burning Canes.*

1.

1672—Person convicted, on Oath of one Witness, of smoking Tobacco, or carrying lighted Torches among Sugar Canes, by going a-crabbing out of the common Roads; to forfeit 1000*lb.* of Tobacco or Sugar to Public Use, leviable by Warrant from Governor.

No. 22. s. 2.i. 58

2.

Servant or Slave offending, to be whipped, unless Master pay Fine.

No. 22. s. 3.i. 58

3.

Servant offending and escaping,—on Complaint of Master, to be summoned before Justice:—Slave to be delivered-up for Punishment.

No. 22. s. 4.i. 58

4.

Wilful or careless burning Sugar Canes, proved by two Witnesses, Felony within Clergy.

No. 22. s. 5.i. 59

FIRE (B) IN TOWNS—
REGULATIONS TO PREVENT.I. *Coopers' Workshops.*

1702—Separate Ground to be assigned for Coopers' Workshops in *Leeward* Part of Towns. No other Buildings to be erected on such Grounds. To remain to Grantee as other Lands. Coopers working elsewhere than on Place assigned, to forfeit 50*s.* for each Offence.

No. 126. s. 35.i. 144

II. *Prohibition of Fireworks.*

1.

1801—Illegal in Free Person, or Slave, of any Age, to make or sell Squibs, or other Fireworks; or Implements for making Fireworks;—or to permit Fireworks to be thrown from Party's Habitation, into Public Passage; or to throw or assist in throwing Fireworks into House, Shop, Public Passage, or Harbour. Such Offence, a Nuisance.

No. 551. s. 1.ii. 380

2.

FREE PERSON, of whatever Age, making or giving or selling Squibs, &c. or Moulds for making Fireworks, (except as in 5. 6.) convicted before Justice, by Party's Confession or two Witnesses' Oaths; to forfeit 10*l.* FREE PERSON convicted, as above, of permitting Squibs, &c. to be thrown from Party's Premises into House, Shop, Passage, Highway, or Harbour, to forfeit 40*s.*—Said Forfeitures to be levied by Distress under Justice's Warrant. Half to Treasury, half to Prosecutor.

No. 551. s. 2.ii. 380

3.

FREE PERSON, convicted, as aforesaid, of throwing or assisting in throwing Squibs, &c. into Another's Premises, or into Public Passage, Highway, or Harbour; to forfeit 40*s.* Not paying Penalty, to be committed to Jail for a Month, *max.* or till Payment.

No. 551. s. 3.ii. 381

4.

SLAVE, of whatever Age, convicted before Justice, by Confession or one Witness, of either of said Practices with Fireworks prohibited, in 2. 3. above, to Free Persons: to suffer such public Correction as Justice shall Order.

No. 551. s. 4.ii. 382

5.

Officer of ORDNANCE AND ROYAL ARTILLERY, or Person acting under such Officer's Authority, may order Fireworks to be made and discharged.

No. 551. s. 5.ii. 382

6.

MILITIA, MILITIA ARTILLERY, and OFFICERS IN FORTS, may make and use Fireworks for Military Operations, and Signals.

No. 551. s. 6.ii. 382

FIRE

FIRE (C) IN ST. JOHN'S TOWN— REGULATIONS TO PREVENT.

I. Regulations for Buildings, and particular Parts of Buildings.

1.
1784—Kitchen; and Workshop of Blacksmith, Coppersmith, Plumber, or Founder, where Fire is used; to be built as in Clause.

No. 425. s. 1.i. 494

2.
Roof of Building used by Blacksmith, Copper-smith, Plumber, or Founder; to be covered wholly with Slate or Tile.

No. 425. s. 2.i. 494

3.
Chimney Jambs and Back; Mantle between Jambs; to be built as in Clause.

No. 425. s. 3.i. 495

4.
Inside of Chimney; to be at least four Feet in Breadth between the Jambs. No Timber to be nearer than six Inches to Funnel of Chimney.

No. 425. s. 4.i. 495

5.
Flue of Oven or Stove in Kitchen; to be built as in Clause.

No. 425. s. 5.i. 495

6.
Flue of Oven or Stove detached from other Building; to be built as in Clause.

No. 425. s. 6.i. 495

II. Temporary Regulation.

Kitchens, Ovens, &c. Blacksmiths' Workshops, &c. already built; to be pulled down, or altered so as to conform to Act, in Twelve Months.

No. 425. s. 7.i. 496

III. Person liable to Penalties for irregular Building.

1.
Person in Possession; or receiving the Profits.

No. 425. s. 8.i. 496

FIRE (C) IN ST. JOHN'S, III.

2.
1784—In Absence of Proprietor; his Attorney or Agent, or Person directing the Building.

No. 425. s. 9.i. 496

3.
Tenant preventing Proprietor complying with Act.

No. 425. s. 10.i. 496

IV. Prosecution—Trial.

1.
Justice of Peace, on Complaint, to issue Warrant to Provost Marshal to summon Offender against Act to appear in two Days. [N. B. The Procedure under former Act No. 325. s. 12. was to apply to JUSTICE OF C. P.]. On Offender's not appearing, or appearing and refusing to enter into Recognizance of 100*l.*; Justice to issue Warrant, for Summons of Jury and Prosecutor's Witnesses.

No. 425. s. 12.i. 497

2.
Before Issue of Warrant for Summons of Jury, Justice to take Deposition from Prosecutor as to Belief of Offence complained of.

No. 425. s. 14.i. 498

3.
Justice issuing Warrant; to give Notice to other Justice of Peace, six Days before Trial. Justice not attending, to forfeit 50*l.*

No. 425. s. 13.i. 498

4.
Jury and Witnesses to be sworn—Verdict to be endorsed on Information as in C. P.

No. 425. s. 15.i. 498

5.
Affirmation of Quakers to be taken—Former competent Witness.

No. 425. s. 16. 17.i. 498, 499

6.
Justices, at either Party's Request, to cause Buildings to be viewed and measured by Jury. Persons obstructing View or Admeasurement, to be committed till View taken.

No. 425. s. 17.i. 499

V. Punishment for Perjury.

Perjury in Cause depending under Act; punishable as Perjury by Common Law of Great Britain.

No. 425. s. 18.i. 499

VI. *Default of Juryman or Witness.*

1784—Juryman or Witness not appearing, or appearing and refusing to act or be examined; to forfeit 20*l.* recoverable as in IX.

No. 425. s. 19.i. 499

VII. *Adjournment of Trial.*

If Justices or Jurymen fail to appear, or Informer makes Oath material Witness is absent, Justice to adjourn Hearing not exceeding seven Days.

No. 425. s. 21.i. 500

VIII. *Authority of Justices.*

1.

Justices of Peace may hear and determine ALL Offences under Act. On Conviction of Defendant after Trial by Jury, to issue Warrant for his Imprisonment by Marshal till Fine imposed as in 2. paid.

No. 425. s. 20.i. 499

2.

Justices, if Defendant found guilty by Jury, to impose Fine of 50*l.* *max.* 10*l.* *min.* recoverable as in IX. and to be applied by Treasurer as Legislature shall direct. Defendant to pay Fees in Clause. If Defendant not found guilty, Treasurer to pay Fees.

No. 425. s. 22.i. 500

3.

Justices may punish Contempt by Fine not exceeding 5*l.* or Imprisonment till Payment.

No. 425. s. 23.i. 501

4.

Justices may direct Warrant to Marshal to pull down, in ten Days, Buildings found by Jury irregular. Marshal neglecting, or Person resisting him, to forfeit 50*l.* to Informer.

No. 425. s. 24.i. 501

5.

Costs of demolishing Buildings, under such Warrant, to be paid for by Treasurer on Order of Justices.

No. 425. s. 25.i. 501

IX. *Penalty on Juryman or Witness.*

In VI. recoverable by Warrant to Marshal, directing Party's Confinement till Payment of Penalty.

No. 425. s. 26.i. 502

X. *Throwing combustible Rubbish in Public Place.*

1784—Slave throwing Cane, Trash, Hay, Straw, in Street, Passage or unbuilt Part of *St. John*; on Conviction before Justice, to be whipped. Justice, himself detecting Slave, may order Punishment.

No. 425. s. 27.i. 502

XI. *Restriction on Sales by Night.*

Shopkeeper or Huckster selling Goods to free Mulatto, Negro, or Slave after ten at Night; to forfeit 5*l.*—Free Mulatto, Negro, or Slave selling Goods in *St. John's* by Candle-light or Lamp-light; to forfeit Goods, Packages, &c. half to Poor; half to Informer.

No. 425. s. 28.i. 503

XII. *Penalty on Justice.*

Justice refusing to proceed on Information; to forfeit 50*l.*, with double Costs.

No. 425. s. 29.ii. 503

XIII. *Recognizances.*

Recognizances taken under Act to be returned into Secretary's Office. On Breach, to be proceeded-on as in COURT (E) XIII.

No. 425. s. 30.i. 503

FISHING-NET AND FISH.

I. *Dimensions of Net (except Net for Shrimps.)*

1764—Meshes in Bunt of Net to be two Inches square, *min.* Bunt, when hung, to be twelve Fathoms long, *max.* Second Meshes to be three Inches square, *min.*; when hung, thirty Fathoms long, *max.* Meshes in Arms 3½ Inches square, *min.*; Arms, when hung, sixty Fathoms long, *max.* Whole Net 102 Fathoms long, *max.* Penalty for larger Net, Forfeiture of Net and 50*l.* to Informer.

No. 268. s. 3.i. 366

1756—No. 209. s. 2.i. 335

II. *Net for Shrimps.*

Not restrained, like other Nets, as to Meshes: but not to exceed six Fathoms in length, when hung,

512 FISHING-NET AND FISH, II.

hung, nor be hauled at the Back of larger Net, under Penalty of forfeiting Net and 50*l.* to Informer.

No. 209. s. 2. 3.i. 335. 336

III. *Inspection of Nets.*

1756—Every White Person authorised to inspect and measure Nets. Owner of Net obstructing Inspection, to forfeit to Informer 50*l.*; Servant of Owner, 5*l.*

No. 209. s. 4.i. 336

IV. *Maximum Prices of Fish.*

1803—Live Green Turtle, not exceeding 50*lb.*

Weight, 2*s.* 3*d.* per Pound; exceeding that

Weight, 2*s.* Turtle cut-up, 1*s.* 6*d.*

Turtle Eggs, 9*d.* for four.

Jew Fish cut-up, 1*s.* 6*d.* per Pound.

Other fresh Fish, 9*d.* per Pound.

Quantity as small as 3*lb.* not to be refused to be sold.

Penalty for breach of preceding Regulations, 5*l.*; public Punishment, if Offender a Slave.

No. 577. s. 1. 2.ii. 460

V. *Recovery of Penalties.*

By Proof of Offence before two Justices.—

On refusal of Payment, Levy on Goods. In

failure of Goods, Offender to be committed till

Payment of Penalty and Costs.

No. 209. s. 6.i. 336

No. 577. s. 2.ii. 460

FIVE ISLANDS ROAD.

1.

1789—Waywardens of Southern District of *St. John*; to purchase Land for reinstating Road, and contract for hardwood Piles.

No. 461. s. 1. 2. 4.i. 557, 8, 9

2.

To be a Public Road repaired under Act No. 180. [See HIGHWAYS.]

No. 460. s. 3.i. 558

FORFEITED LANDS.

1747—Claimant to Land sold as in TITLE VI. must commence Action in three Years. Making

FORFEITED LANDS.

Title, to recover Sum only for which Land sold. Claimant of Dower to recover only one-sixth of such Sum.

No. 199. s. 10. 11.i. 296

FORGERY.

I. *Misdemeanor or Trespass criminal.*

1.

1791—Altering, erasing, or obliterating Entry in Book of Executions kept by Marshal; punishable as Forgery by Common Law of England.

No. 475. s. 95.ii. 53

2.

Alteration, for Purpose of Deception, in Book kept by Treasurer for recording Returns under Annual Tax Act.

No. 539. s. 25.ii. 347

II. *Felony within Clergy.*

1676—Razing or interlining principal Deed or Record in Registrar's Office.

No. 39. s. 4.i. 70

III. *Felony without Clergy.*

1.

1784—Forging Deed, Will, Bond, Bill of Exchange, Promissory Note, Indorsment, Assignment, Acquittance, or Receipt; or, Uttering Instrument, knowing it to be forged.

No Attainder for Offence, in corruption of Blood.

No. 426. Appendix, I. s. 1. 5.i. 507

2.

Forging or altering Acceptance of Bill of Exchange, or Number or Sum of accountable Receipt for Note, Bill, or Security, or Warrant, or Order for Payment of Money or Delivery of Goods; or, Uttering Instrument, knowing it to be forged.

No. 426. Appendix, II.i. 507

IV. *British Statutes adopted.*

First and fifth Sections of 2. GEO. II. Cap. 25. (digested in III. 1. *supra*;) and whole of 7. GEO. II. Cap. 22. (digested in III. 2. *supra*;) to be in force in *Antigua*.

No. 426.i. 505

FORTIFICATIONS

FORTIFICATIONS AND MILITARY WORKS.

[And see MONKSHILL and JAMES FORT.]

Raised by Quota of Slaves.

1.

1704—Council of Officers, constituted as in Clause, empowered to employ *fourth-part* of Slaves in forming and repairing Trenches, building Guard-houses, and other Military Works.

No. 134. s. 2.i. 169

2.

Captain of Verge to summon Inhabitant to send Slaves. Inhabitant neglecting, to forfeit 5s. per Day for every Slave absent. Master of Slaves (except Aid-du-Camp) to superintend his Slaves, under Pain of Imprisonment.

No. 134. s. 3.i. 170

3.

Officer neglecting to send Workmen, to be fined.

No. 134. s. 4.i. 170

[And see MILITARY DETAILS, (B) 1. 2. etc.]

FORTS—PERSONS OCCASIONALLY EMPLOYED IN.

Temporary Liability to Articles of War.

1794—Subject to Articles of War during Alarms or Martial Law, as in *Title* GUNNERS, MATROSSES, AND PERSONS EMPLOYED IN FORTS, I. 1. 2.

No. 495. s. 1. and Reference *ibid.*ii. 224

FREEHOLD.

I. Slaves and Stock.

1.

1692—Slaves; affixed to Freehold, subject to Dower.

No. 83. s. 9.i. 96

2.

1705—Slaves, — Coppers, Stills, — Cattle, Horses, Asses, used on Plantation; deemed affixed to Freehold, and to descend, with Plantation, to Heir, subject to Dower.

Leew. I. No. 31. s. 3.i. 12

VOL. II.

3.
1692—But, in default of Assets, Slaves may be sold as Chattels for Payment of Debts.

No. 83. s. 10.i. 97

II. Freehold acquired by Building or Settling.

1.

1679—Portion of Land on which, in six Months after Return of Warrant, should be built House of framed Timber, or Brick or Stone—not thatched—thirty Feet long, fifteen broad; Freehold in Fee Simple,—provided as in 2.

No. 50. s. 2.i. 78

1702—No. 126. s. 9.i. 137

2.

1747—Provided such House be not afterwards suffered to remain ruinous two Years.

No. 199. s. 8.i. 295

[And see TEN-ACRE LANDS and TITLE.]

FREEHOLDER.

I. Qualification exempting from Arrest.

1791—Freehold of TEN ACRES OF LAND in actual Possession, or leased out for Years only, at ten Pounds yearly Rent; or Freehold TENEMENT worth twenty Pounds yearly; or yearly RENT CHARGE for one Life, of twenty Pounds, legally charged on Lands or Tenements.

Mortgager of such Estate, while continuing in Possession; deemed Freeholder, and exempt from Arrest.

No. 475. s. 18.ii. 12

II. Extent of Exemption.

In civil Actions, between Party and Party.

No. 475. s. 18.ii. 12

III. Exception—see PRACTICE (GENERAL) I. 2.

IV. Alienation after Action brought—see ESTATE, I.

V. Right of Voting for Members of Assembly—see GENERAL COUNCIL AND ASSEMBLY, II. 1. 2. and see TEN-ACRE LANDS, IV.

FREE NEGRO AND MULATTO.

I. *Protected from Maltreatment.*

1702—White Person, striking or maltreating Free Negro, Indian, or Mulatto; to be bound over to Sessions for Punishment.
No. 130. s. 26.i. 164

II. *Punishable for striking White.*

Negro or Free Person of Colour, striking White Servant; to be whipped.
No. 130. s. 22.i. 163

III. *Capable of taking Liquor License.*

1791—Free Negro, or Mulatto,—having Sanction of K. B. and Grand Sessions signified on Petition,—may be licensed to sell Liquors as in Title LICENSE (A).
No. 474. s. 3.i. 2

IV. *Conditionally obliged to indent.*

1702—Person not White fit to go out to Trade, not choosing a Master; liable to be bound for seven Years by Order of next Justice. Justice to cause him to be bound to any Person willing to receive him, in ten Days after Information; under Penalty of 10*l*.
No. 130. s. 22.i. 163

V. *Limitation on Free Negro's Acquisition of landed Property.*

Free Negro not to possess more than eight Acres, nor be a Freeholder; having more than eight Acres, to sell it in six Months, or forfeit Overplus to the Crown.
No. 130. s. 23.i. 164

FREIGHT.

Rate of Freight in Drougher.

1802—Owner to receive as in Table, in time of Peace; and Augmentation of fifty per Cent. in War.
No. 565. s. 2.ii. 425

FREIGHT.

2.
1802—Owner exacting higher Freight; to forfeit double.
No. 565. s. 3.ii. 426

FRIVOLOUS ACCUSATION.

1723—Slave lodging against Slave unfounded Accusation, of entertaining Design to murder White, or burn Building; to receive fifty lashes, *max*.
No. 176. s. 18.i. 222

FRIVOLOUS APPEAL.

1.
1757—To Sessions, from Fine imposed by Justices under Act; punishable by additional Fine at Discretion of Justices, with treble Costs and Damages.
No. 212. s. 14.i. 344

2.
1784—To Sessions, from Fine imposed by Justices under Act; punishable by Fine not exceeding double Fine before inflicted, with treble Costs and Damages.
No. 428. s. 17.i. 516

FRIVOLOUS COMPLAINT.

1716—Of Servant against Master; punishable at Discretion of Justices in Sessions.
No. 153. s. 19.i. 187

FUGITIVE DEPARTURES—
REGULATIONS TO PREVENT.I. *On Master of Vessel.*

[And see VESSEL, II.]

1.
1669—Master of Vessel arriving; to enter into Bond, in 2000*l*., in Secretary's Office, not to carry-off Person without Ticket from Governor.
No. 17. s. 3.i. 54
Master

2.
1773—Master of *Sailing Vessel*, not comprehended in Regulation in 1.; to enter into Bond with Sureties, in 500*l.*, not to carry off Person unlicensed.

No. 351. s. 1.i. 424

3.
1669—Inhabitant or Trader keeping Boats or Vessels; to bring Masts, &c. on Shore, and lock and chain Boats. On Instruments of Rowing or Navigation, too heavy for Removal, Watch to be set.

No. 17. s. 5.i. 55

4.
If Escape be made in Boat not secured,—Owner or Master to pay Debt, if Debtor escape; double Damages, if Servant or Slave escape; recoverable by Action.

No. 17. s. 6.i. 55

5.
1784—Master of *Craft* leaving Vessel unchained after eight at Night, if a White, to forfeit 20*s.*—Where Vessel without White Master, Owner to forfeit 40*s.* or be committed. Owner of *Rowing-boat*, to forfeit 10*s.*

No. 428. s. 9.i. 513

II. Debtor.

[*And see* ABSENTEE (FROM ANTIGUA.)]

1669—Person intending to depart; to give fourteen Days' Notice. If not opposed—or, opposed and able to give Security, in Secretary's Office, for Payment of Debts—to have Ticket. To prevent malicious Opposition, alleged Creditor to give Bond in 30,000*l.* of Produce.

No. 17. s. 4.i. 54

GAMING.

I. Penalty on Fraud or Collusion.

1723—*Player*, winning by Fraud; or *Better*, by Collusion; to forfeit treble Value.

No. 175. s. 2.i. 211

II. Limitation of Wagers.

1.

Winner of more than 7*l.* READY MONEY, at one Sitting, or within twenty-four Hours from

beginning Play; to forfeit treble Value of whole Winning.

No. 175. s. 3.i. 211

2.

1723—Loser ON CREDIT of more than 7*l.* at one Sitting, or within twenty-four Hours from beginning Play; not compellable to pay Excess. Securities void.

Winner ON CREDIT of more than 7*l.* to forfeit treble Value of Excess.

No. 175. s. 4.i. 212

III. Recovery and Application of Forfeitures.

Forfeitures to go, half to Treasury towards Fortifications; and half to Loser; if Loser prosecute in six Months;—otherwise to any Prosecutor in Year after six Months.

No. 175. s. 2. 3. 4.i. 211, 212, 213

IV. Treble Costs.

Prosecutor of illegal Winner to recover treble Costs. Person sued on Security for more than 7*l.* lost at Play, to recover treble Costs; except against Executor.

No. 175. s. 5.i. 213

V. Lottery—Disposing of Goods by Lottery, or Raffling.

1788—Person disposing of Valuable or Goods, by Lottery or Raffling; to forfeit to Public Treasury half Value; Value to be determined by Vendor's Proposal; or, if not so discoverable, to be fixed by two Justices. Justices may examine Parties, and commit them refusing to discover Value. On Non-payment of Moiety of Value, Justices to direct Distress; if no Distress, Imprisonment for three Months, *max.*

No. 456. s. 5.i. 545

GAUGER.

Gauger of Madeira and Western Island Wines.

1800—Appointment, Qualification, Duty, Fees, Penalties; as in Clauses.

No. 542. s. 5. 6—2—8.ii. 354, 353, 358

[Or see MADEIRA AND WESTERN ISLAND WINES, VII. VI.]

• GENERAL COUNCIL AND ASSEMBLY. •

I. Appointment of Members of General Council.

1705—Recognised to be by Nomination of Members, from Council of each Island, by resident Commander-in-Chief.

Leew. I. No. 28. s. 5. 7.i. 10

II. Election of Members of General Assembly.

1.

1694—When Members are to be elected to serve in General Assembly of *Leeward I.*; acting Governor of *Antigua*, with Majority of Council and Assembly, will order SECRETARY, present in Person or by Deputy, to take, in Form directed, Votes of *Freeholders* for respective Candidates.

Leew. I. No. 14. s. 2.i. 5

2.

1705—When Commander-in-Chief of *Leew. I.* deems it expedient to call General Council and Assembly,—the qualified *Freeholders* of *Antigua*, at Time and Place named in Writ from Commander-in-Chief in *Antigua*, are to elect five *Freeholders* to represent *Antigua*, and join with Commander-in-Chief of *Leew. I.*,—and General Council,—as Part of General Assembly,—in enacting Laws for all the *Leeward Islands*.

Leew. I. No. 28. s. 4.i. 9

3.

1694—Secretary to take the Votes on Oath; admit no *Freeholder* to poll but in Person; and, after receiving all the Votes, declare publicly upon whom the Election shall have fallen.

Leew. I. No. 14. s. 2.i. 5

4.

If Dispute happen concerning Election of Member of Assembly; acting Governor and Majority of Council and Assembly, to determine Dispute.

Leew. I. No. 14. s. 3.i. 14

III. Powers of General Council and Assembly.

1705—General Council and Assembly have Authority to Legislate for the *Leeward Islands*. Absence of Members of Council and Representatives of any one Island, from the general

Meeting; not to exempt that Island from Obedience to the Laws enacted by a Majority of all the Members entitled to attend.

Leew. I. No. 28. s. 7.i. 10

IV. Privileges of Members.

1705—Members of General Council and Assembly, in their Transit, through any Island, from and to the Place of Session, protected from Arrest, (except for Murder, Treason, Felony, Misdemeanor against the Crown,) for ten Days before and after each Session.

Leew. I. No. 28. s. 5.i. 10

V. Remuneration to Members.

Counsellors and Assembly-men of each respective Island, to receive from Treasury, 20s. per Day each, during the Session; and, where they pass to another Island, Charges of Passage, and 20s. per Day from Absence to Return—provided their Return be not delayed by private Business.

Leew. I. No. 28. s. 6.i. 10

GRANT OR WARRANT FOR LAND.

[And see TITLE, II. V.]

I. Limitations.

1.

1675—Grant of LAND, IN TOWN, not built-on in six Months after Date; void.

No. 33. s. 11.i. 65

2.

1679—Grant of LAND, IN TOWN, not built-on in six Months after Return; void.

No. 50. s. 7.i. 80

[And see FREEHOLD, II.]

3.

Grant of Land set-apart in Town, for Churchyard, Market, Parade, or other Public Purpose: void.

No. 50. s. 5.i. 79

4.

Grant for more than two Proportions; void—if Grantee has not built according to Act on two Proportions.

No. 50. s. 8.i. 80

Warrants

5.

1679—Warrants for Land, in *St. John's, Falmouth,* and *Bridgetown*; not to exceed Proportions in Clause:—in other Towns, to be at Discretion of Governor.

No. 50. s. 10.i. 80

II. *Entering Warrant, and filing Grant—*
see REGISTER OFFICE AND REGISTRY, I.

GUANA ISLAND.

Indemnity for Loss from Enemy.

1725—Proprietor of Land in *Guana Island*, suffering Loss from Public Enemy; to be indemnified from Treasury, as Inhabitant of *Antigua*.

No. 184. s. 10.i. 248

GUNNERS, MATROSSES, AND
PERSONS EMPLOYED IN FORTS.I. *Subject to Articles of War.*

1.

1794—Officer, Gunner, or Matross, offending at any time,—other Person employed in Fort, offending during Alarm or Martial Law,—against Articles of War; to be tried as Officer or Private in Militia; except that Warrant for holding Court Martial must be issued by resident Chief Commander; and Members of Court be, all, Officers of Militia.

No. 495. s. 1.ii. 224

2.

1798—Officer, Gunner, or Matross, accused of violating at any time,—other Person employed in Fort accused of violating during Alarm or Martial Law,—Articles of War in Act No. 485. s. 45, or future Articles of War, or of making false Alarm; to be tried as in 1.

No. 525. s. 1.ii. 293

II. *Gunnery and Matrosses permanently liable to Martial Law.*

1794 } Officers, Gunners, and Matrosses liable to
1798. } be punished, at all times, as Militia would be during Martial Law.

No. 495. s. 2. and No. 525. s. 2.ii. 224, 294

III. *Subsistence of Gunners and Matrosses.*

1796—Matross to be paid at rate of 5*l.*; Gunner, 5*l.* 10*s.* per Month;—Payments to be quarterly. Matross to produce, and leave with Treasurer Certificate from Gunner; Gunner to produce Commission.

No. 510. s. 1.ii. 256

IV. *Entry of Matross.*

No Matross to be entered unless he declare his Consent before Justice:—Gunner receiving Matross without Justice's Certificate of Consent, punishable by Court Martial.

No. 510. s. 2.ii. 257

V. *Notice from Matross quitting.*

No Matross to quit without one Month's Notice to Gunner, unless discharged; on pain of Punishment by Court Martial.

No. 510. s. 3.ii. 257

VI. *Matross discharged.*

1798—Matross discharged in consequence of King's Troops serving in Fort; to be paid Arrears, with Month's Subsistence.

No. 525. s. 3.ii. 295

VII. *King's Troops serving as Matrosses.*

Commander-in-Chief of *Antigua*, with Consent of Council and Assembly, may allow King's Troops, ordered to Duty on Battery, additional Subsistence not exceeding Matrosses' Pay,—to be distributed in Proportions directed.

No. 525. s. 3.ii. 294

GUNPOWDER-DUTY.

I. *Rate of Duty.*

1803—Master of trading Vessel, before Departure, to pay to Powder-Officer ONE POUND of Powder per Ton according to the Register of the Vessel,—half in common; half, in Pistol Powder.

No. 576.ii. 459

II. *Commutation of Duty.*

Foreign Vessel not trading under *Free port* Act, may commute Duty at 6*s.* per Pound.

No. 576.ii. 459

III.

III. *Exemptions from Duty.*

1. 1773—Vessel belonging to *Antigua* constantly trading with the neighbouring Islands; to pay Duty but once a Year.
No. 348. s. 2.i. 420

2. 1802—Sugar Drougher of *Antigua*, and Vessel of *Leew.* I. not exceeding sixty Tons; exempted from Duty.
No. 566. s. 3.ii. 428

3. Vessel trading under *Free port* Act; exempted from Duty.

No. 566. s. 6.i. 429

IV. *Penalty for false Entry of Tonnage.*

1676—Captain to pay, for every Ton not entered, 2lb. of Powder.
No. 38. s. 3.i. 68

[*QUÆRE.* Whether No. 38,—as far as it is not repugnant to No. 348, and contains Regulations not provided for by No. 348,—is in force?

The Clause in the latter, enacting that the latter shall be the only Act by which the Powder-duty shall be regulated and governed, may be explained,—as it affects the old Act,—to have a confined Application to the Rate of Duty, the new Terms of Commutation and Exemption, and the consequent new Official Duties of the Collector, instituted by No. 348; leaving the Appointment of a Collector, the Admeasurement of Tonnage, and the Penalty for entering false Tonnage, not provided for in the new, to proceed under the old Act; and construing the temporary Acts alluded to in the Recital of No. 348 to be the only Acts intended to be indiscriminately swept-away by No. 348. s. 10.]

V. *Appointment of Collector or Powder-Officer.*

To proceed from Governor.

No. 38. s. 3.i. 68

VI. *Qualification and Salary.*

1. 1773—To give Security in Secretary's Office; two Sureties in 500l. each. Acting without giving Security, not to receive either Salary or Fees.
No. 348. s. 4. 5.i. 421

2. Powder-officer and Deputy to take OATH before entering on Office.
No. 348. s. 8.i. 422

3. SALARY, 100l. per Annum.
No. 348. s. 5.i. 421

VII. *Powers and Duty.*

1. 1676—To admeasure Ship not duly entered.
No. 38. s. 3.i. 68

2. 1773—To keep Book for Register of Entries. Not to take greater Fees than in VIII.; nor to take them before entering Name of Vessel and Tonnage.
No. 348. s. 3.i. 420

3. Not to receive other than good Cannon and Pistol Powder, or legal Commutation in Money.
No. 348. s. 4.i. 421

4. On Payment of Duty,—to give, for Fee in VIII., a Certificate clearing Vessel, addressed to Naval-Officer.
No. 348. s. 7.i. 421

5. To distinguish, in his Accounts, the Commutation Money; which shall be applied to purchase War-stores, or repair Forts.
No. 348. s. 1.i. 420

6. To account, yearly or oftener, on Requisition of Committee of Council and Assembly, appointed as Committee for adjusting Treasurer's Accounts.
No. 348. s. 6.i. 421

7. Not to sell Powder to Master of Vessel, nor furnish Magazine with his own Powder; under Penalty of Incapacity for Office, and Payment of 100l. to Informer.
No. 348. s. 9.i. 422

GUNPOWDER-DUTY, VIII.

VIII. Fees.

1773—Fee, for Certificate to Naval-officer, 3s.
No. 348. s. 7.i. 422

IX. Naval Officer.

Not to clear Vessel without Certificate, from Collector, of Duty paid.

No. 348. s. 7.i. 421

HARBOUR (A) GENERALLY.

[And see HARBOUR (B)]

I. Place for Ballast.

1.

1702—Person throwing Ballast any where but into Place appointed by Surveyor with Advice of Vestry; to forfeit 50l.

No. 126. s. 3.i. 138

2.

1757—Ballast to be thrown in convenient Place twenty Feet above Highwater-mark, under Penalty of 50l. Stealing Ballast, 50l.

No. 212. s. 3.i. 338

3.

Person suffering Vessel to remain sunk in Harbour, two Months, to forfeit 50l.—and for every Month after the first two Months, 50l.

No. 212. s. 4.i. 339

4.

Person throwing dead Body into Harbour; to forfeit 50l.

No. 212. s. 5.i. 340

[QUERE. When did No. 398, renewing No. 212, expire?]

II. Penalty on Magistrate.

For refusing to decide on Information under Act, 100l.

No. 212. s. 3.i. 339

HARBOUR (B) OF ST. JOHN, INCLUDING THE COVE.

I. Place for Ballast.

1.

1702—Person throwing Ballast any where but into Place appointed; to forfeit 50l.

No. 126. s. 13.i. 138

HARBOUR (B) OF ST. JOHN, I. 519

2.

1784—East End of Rat Island twenty Feet above Highwater-mark, the Place for Ballast, unless it be landed for Use on Shore.

No. 428. s. 2.i. 510

3.

Person landing Ballast, nearer Highwater-mark, than twenty Feet; to forfeit 50l.

No. 428. s. 3.i. 510

II. Stealing Ballast.

Penalty, 50l.

No. 428. s. 3.i. 510

III. Limits for Repair of Vessels.

1.

Vessels to be hove down, for Cleaning or Repair, exclusively in the Cove. Hulks and Stages for Repair to be moored in the Cove. Penalty for repairing Vessels in the Harbour of St. John, 50l.

No. 428. s. 5.i. 511

2.

1802—Vessels not exceeding sixty Tons Burthen may be hove down in St. John's Harbour at well appointed Shipwright's or private Wharf.

No. 564. s. 2.ii. 422

IV. Moorings.

1.

1784—Master of Vessel not regarding Directions of Harbour-master in mooring Vessel and disposing Booms; to forfeit 10l.

No. 428. s. 6.i. 512

2.

Not laying Mooring Anchor due South of the Anchor he brings-up by, when required by Harbour-master; to forfeit 10l.

No. 428. s. 7.i. 512

3.

Not keeping Buoy fixed to each Anchor; to forfeit 50l.

No. 428. s. 8.i. 512

V. Sunken Vessels.

Proprietor suffering Vessel to remain sunk for two Months after Direction from Harbour-master to remove it; to forfeit 50l.; and for every Month after first two Months, 50l.

No. 428. s. 4.i. 511

VI.

VI. *Dead Bodies.*

- 1784—Penalty for throwing dead Bodies into any Part of Harbour, 50*l*.
No. 428. s. 10.i. 513

VII. *Depositing Ballast near the Sea.*

- 1802—No Sand, Ballast, Gravel, Coals, or loose Earth, to remain longer than ten Days on Wharf, unless distant twelve Feet from Front of Wharf; nor on other Place, unless distant twenty Feet from Sea; under Penalty of 20*l*.
No. 564. s. 4.ii. 423

VIII. *Penalty on Magistrate.*

- 1784—Refusing to decide on Information under Act; to forfeit 100*l*. with Costs.
No. 428. s. 3.i. 510

HARBOUR-MASTER OF ST. JOHN.

I. *Appointment and Qualification.*

1. 1784—Commander-in-Chief of *Antigua* to appoint reputable Inhabitant of *Antigua* bred to the Sea and otherwise competently skilled.
No. 428. s. 1.i. 509

2. Harbour-master not to act till sworn before Governor and Council.
No. 428. s. 11.i. 513.

3. To give Bond in Secretary's Office in 300*l*. with two Sureties in 150*l*. each—In three Days after Bond, to produce Certificate from Secretary of its being recorded.
No. 428. s. 12.i. 514

[See Deputy's Qualification in II. 1.]

II. *Powers and Duty.*

1. May appoint *Deputy*. Deputation not effectual, till recorded in Secretary's Office. Deputy's OATH.
No. 428. s. 13.i. 514

2. To inspect the Port and take Cognizance of Abuses; to visit Vessels having Ballast to land, superintend the Landing, and see the Ballast

HARBOUR-MASTER, II.

thrown on the East End of *Rat Island* twenty Feet above Highwater-mark.

No. 428. s. 2.i. 509
3.

- 1784—To see that sunken Vessel does not remain. To present it, remaining, as a Nuisance; and, on Justice's Order, to have Vessel removed.
No. 428. s. 4.i. 511

4. To regulate Moorings of Vessels and the Disposition of Rigging of Vessels lying at Anchor.

No. 428. s. 6. 7.i. 512
5.

To see that Craft and Rowing-boats are not left unchained after eight at night.

No. 428. s. 9.i. 513
6

To see that no dead Bodies are thrown into the Harbour.

No. 428. s. 10.i. 513
7.

To see that no Wharf runs into Harbour beyond Limits of Grant.

No. 428. s. 6.i. 512
8.

- 1802—Harbour-master to inspect Wharfs; finding any decayed, to direct and enforce Repair as in Clause. [Or see WHARF, V.]

No. 564. s. 3.ii. 422
[And see VESSEL.]

III. *Salary.*

- 1784—100*l*. per *Annum*, payable by Treasurer half-yearly, in full Compensation for Boatmen, &c.
No. 428. s. 15.i. 515

IV. *Harbour-master acting illegally.*

Principal or Deputy to forfeit double Damages and double Costs, recoverable by Action or Information.

No. 428. s. 14.i. 515

HAWKING AND PEDLING—RESTRICTIONS ON.

I. *Articles prohibited to be hawked.*

1.

- 1757—Person hawking salted Beef or Pork, Salt Fish, Bread or Biscuit, (except in Negro-Market

HAWKING AND PEDLING, I.

Market on usual and customary Days,) or other Goods or Merchandise at any time or place; to forfeit Articles, with Baskets or Packages, to Person carrying them, after Seizure, before Justice. Justice's Certificate (mentioning Name of Slave, if taken from Slave) to bar Action for Restitution.

No. 212. s. 6.i. 340

2.

1792—No Meat, Fish, or Flesh to be sold in, or within a Mile of St. John's, elsewhere than either in MARKET-HOUSE, or in Dwelling-house, or on Plantation. White Person offending, to forfeit 5*l.*; or be imprisoned seven Days *max.* two Days, *min.* Slave to be whipped.

No. 484. s. 7. 8.ii. 134

II. Articles permitted to be hawked.

1.

1757—Cordial or Strong Waters, (except Rum,) fresh Provisions, Poultry, Fruits, Roots and Vegetables of the Earth.

[But see I. preceding, and 2. following.]

No. 212. s. 7.i. 340

2.

1788—Persons, generally, may seize strong Liquors carried about, in portable Vessels, for Sale by Retail.

No. 456. s. 11.i. 549

HEIR.

[And see Title CROPS, &c; and ESTATE.]

I. Obligation to Special Bail.

1791—Heir obliged (under Act) to give Special Bail only where Law of England in force in Antigua requires it.

No. 475. s. 25.ii. 17

II. Liability to Execution.

1.

Where Judgment obtained against Heir, upon Judgment on Estate or Goods of Ancestor, Execution to specify it. [And see WRIT, V.]

No. 475. s. 87.ii. 49

2.

On Commission of Waste by Heir, or false Plea, subjecting him to Charge on his own

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Estate; Execution to be framed to levy on Heir's Goods; Slaves; Lands, *etc.*; Rent Charges; Annuities; and Debts; to be sold and disposed of as in common Executions; and to take the Body as the Case shall require.

No. 475. s. 87.ii. 49

3.

1791—Liability of Heir to Execution on his own Estate or Person, not to be carried, in consequence of Act, further than he is bound by Laws of England.

No. 475. s. 88.ii. 49

III. Responsibility incurred by taking Ancestor's Estates.

[And see DEVISEE, II. 1.]

1.

Heir aliening Estate in Possession, before Commencement of Action; liable for Value of Land sold,—and Creditors to be preferred as in Actions against Executors—*save* that Lands *bonâ fide* aliened before Action shall not be liable to Execution.

No. 475, Appendix, I. s. 5.ii. 122

2.

Heir aliening beneficial Interest in Trust Estate before Action brought; liable as for Lands descended in Possession.

No. 475. s. 102.ii. 56

s. 101.ii. 55

Appendix, I. s. 5.ii. 122

3.

For want of Devise,—Estate *pur auter Vie* chargeable in Hands of Heir, as Land in Fee Simple, if it devolve by special Occupancy, or be Assets by Descent.

No. 475. s. 102.ii. 56

Appendix, III.ii. 124

IV. Plea of Riens per descent.

Heir may plead this Plea as in PLEADING (PARTICULAR) X. which shall be proceeded on as in PRACTICE (PARTICULAR) VI.

No. 475. Appendix I. s. 6.ii. 123

HIGHWAYS.

I. Definition of Public Highway.

1724—Thoroughfare lawfully used by the Public. Way from one Highway to another.

3 X

Way

Way from Highway to Seaside of Paying-Place or Town.

Way from Highway to Fort.

Each, respectively, to be kept clear to breadth of twenty-four Feet, and cleared of Stumps and Obstructions.

No. 180. s. 16.i. 236

2.

1753—Jury-path, a Public Road; under same Regulations as another Highway.

No. 204. s. 3.i. 317

3.

1799—Jury-path leading from *dismantled* Plantation, not a Public Road. Persons making Allotments, to allow no Person more than one Road to Church and Market.

No. 533. s. 16.ii. 315

[*And see JURY-PATH.*]

II. Mode of Repair.

1.

Majority of Waywardens in each Division, to summon six or more reputable Inhabitants to make Allotments,—to be repaired by Proprietors, individually; or two or more Proprietors jointly. Waywardens to administer OATH to Inhabitants making Allotment.

Inhabitant summoned to make Allotment, and not attending; to forfeit 10*l*.

On Insufficiency of reputable Inhabitants; Number to be compleated from adjoining Division.

No. 533. s. 2. 6. 4.ii. 310. 312. 311

2.

Surveyor-general, or, in absence of such Officer, other Surveyor to assist Waywardens and Inhabitants making Allotments. Treasurer to pay Surveyor, on Order of Waywardens, 66*s*. per Day, *max*.

No. 533. s. 3.ii. 311

3.

If Allotment cannot be finished in one Day, Waywardens to appoint further Time. Memorandum of Allotment as proceeded in, to be signed by Waywardens and Inhabitants.

No. 533. s. 4.ii. 311

4.

Allotment, finished, signed by Waywardens and Inhabitants, to be returned to be recorded by Secretary. Copy of Allotment attested by

Secretary, Evidence. Secretary, on Payment by Applicant, to grant Copy.

No. 533. s. 5.ii. 312

III. Highway between two Divisions.

1724—Majority of *Waywardens of the two Divisions*, have same Power as Majority of Waywardens of single Division containing Highway.

No. 180. s. 15.i. 236

IV. Penalty for not repairing.

1.

1799—Proprietor or Manager of Slaves, failing to repair Allotment, in three Days after Notice; to forfeit, for first Offence, 5*l*.; second, 50*l*.; subsequent Offence, 100*l*., and be imprisoned; unless Defendant shew good Excuse to Justices.

No. 533. s. 7.ii. 312

2.

Waywardens may hire Negroes to repair Allotment of Person neglecting,—and recover against Defaulter double the Expense.

No. 533. s. 15.ii. 315

V. Petition for new Allotment.

1.

Person aggrieved by Allotment, may petition next Court of K. B. and Grand Sessions. Petition to be filed six Days before, and Copy delivered to Waywarden five Days before Sitting of Court.

No. 533. s. 8.ii. 313

2.

Court of K. B. and Grand Sessions may, if Change of Property render it necessary, order new Allotment under II. by time limited by Court.

No. 533. s. 9.ii. 313

3.

After Filing of Petition for new Allotment, Waywardens and Petitioner may have Subpoenas from K. B. for their Witnesses.

No. 533. s. 11.ii. 314

4.

If Allotment *confirmed*, Petitioner to pay Waywardens' Costs. If Allotment rescinded or

or altered, Treasurer to pay Waywardens' Costs.

No. 533. s. 12.ii. 314

VI. Oath as to Performance of Repair.

1.

1802—Waywardens to summon Inhabitants having Allotments in Division,—to appear before them not more than ten Days before Sitting of K. B. each *March* and *September*, and make OATH to Repair of Allotment.

No. 561. s. 4.ii. 416

2.

Person refusing to attend after seven Days' Notice personal or written; or appearing and refusing Oath without satisfactory Reason; to forfeit, on Conviction before Justices, (one, to be of the *Quorum*,) 50*l.*; or, be imprisoned two Months.

No. 561. s. 5.ii. 416

VII. Digging Trenches.

1724—Waywardens may dig, on Proprietor's Soil near Highway, Trenches not above five Feet broad, and throw Soil on the Land; doing least possible Damage.

DAMAGE to be paid-for by the Public, when certified by Waywardens on Oath.

No. 180. s. 17. 18.i. 236. 237

VIII. Taking Stones.

Waywardens may take Stones from Surface of Earth in Plantation, (except Stones raised out of Quarry,—or among Plant Canes, or Ratoon Canes not six Months old,) to be used on Highways. To fetch such Stones by Slaves, and not by Carts. Damage to be paid-for as Damage in VII.

No. 180. s. 19.i. 237

IX. Lopping Trees.

Waywardens may cause Slaves employed on Highway to lop Timber and other Trees, and to trim Fence overhanging Highway.

No. 180. s. 20.i. 237

X. Compensation for Slave or Cattle hurt.

To be paid by Treasury, when certified by Waywardens as Damage in VII.

No. 180. s. 20.i. 237

XI. Penalty for interrupting Waywarden.

1724—Person molesting or interrupting Waywarden, brought before Justice in four Days after Complaint, or as soon as discovered; to be punished as in Clause.

No. 180. s. 21.i. 237

XII. Penalty on Waywarden.

Waywarden neglecting Duty; on Complaint on Oath to Justice, to be bound over to Sessions; or may be presented at Sessions.

No. 180. s. 23.i. 239

XIII. Penalty on Justice.

Justice not enforcing Act; to forfeit 50*l.*

No. 180. s. 24.i. 239

XIV. Penalty on Constable.

Constable failing in Duty under Act, to forfeit 10*l.* *max.*

No. 180. s. 27.i. 240

HOMICIDE.

I. Justifiable.

1702—Person killing Slave stealing, or pursued as a Runaway, and resisting Apprehension, exempt from Prosecution.

No. 136. s. 19.i. 163

II. Unjustifiable; or Murder.

1.

1797—Killing Slave, punishable as killing White by Laws of *England*; but without Corruption of Blood, or Forfeiture of Goods.

No. 522. s. 2.i. 287

2.

1798—Killing Slave, punishable as killing White; but without Corruption of Blood, or Forfeiture of Goods.

Leew. I. No. 36. s. 21.i. 30

HOSPITAL AT ST. JOHN'S.

1785—Vestry to sell described Lands, and buy, with Produce, other Lands for building Parish Hospital.

No. 429. s. 1. & *seq.*i. 518

3 X 2

HUSBAND

HUSBAND AND WIFE.

[*And see DEED and DOWER.*]

I. *Barring Dower.*

1705—Wife must join in Conveyance by Husband, or Dower will not be barred.

Leew. I. No. 32. s. 3. 4.i. 15. 16

II. *Lands belonging to Wife.*

1692—Wife must join in Conveyance by the Husband, or the Deed will not be effective.

No. 83. s. 6.i. 96

III. *Examination of Wife.*

Wife to be examined touching her free Assent.

No. 83. s. 8.i. 97

IV. *Effect of joint Conveyance.*

Conveyance by both; equal to Fine and Recovery.

No. 83. s. 7.i. 96

JAIL AND JAILOR.

I. *Erection and Site of Jail.*

1771—Land to be purchased to vest for Jail. Committee to superintend Building, *etc.*

No. 328. s. 1. 3.i. 411

II. *Repair of Jail—see BUILDINGS (PUBLIC) REPAIR OF.*

III. *One of the Prisons for Military Delinquents, after Trial—see MARTIAL LAW, X. XI. XII.*

IV. *Jailor—see PROVOST MARSHAL, III.*

JAMES FORT.

I. *Tract of Land attached.*

1730—Described Tract of Land, to be attached to James Fort; to vest to Use of Gunners and

JAMES FORT, I.

Matrosses,—except such Part as Legislature should afterwards apply to Magazines, Hospitals, or other Public Object.

No. 187. s. 3.i. 252

II. *One of the Prisons for Military Delinquents—see MARTIAL LAW, X. XI. XII.*

JEOFAILS.

British Statutes adopted.

1791—*English* Statutes relating to JOFAILS; in force in *Antigua*—as far only as they provide for Jeofails.

No. 475. s. 37.ii. 23

IMPORTATION OF WHITE SERVANTS.

[*Or see WHITE SERVANTS, IN RELATION TO THE POPULATION, I.*]

I. *Premiums to Importer—Description of Servant.*

As in Clauses.

1716—No. 153. s. 4.i. 183

1784—No. 422. s. 2.i. 489

1740-1—No. 194. s. 8.i. 276

II. *Premium to Servant.*

As in Clause.

1740-1—No. 194. s. 8.i. 276

IMPORTATION OF SLAVES.

Females to exceed Males, etc.

1798—Where, in Cargo of imported Slaves, Females shall not exceed Males, 10s. Penalty for every Male; for importing aged or infirm Slave, 50*l.* Penalty.

Leew. I. No. 36. s. 39.i. 36

INDICTMENT.

I. *Receiving Goods from Slave unknown.*

1723—In Indictment for Misdemeanor in receiving Goods from Slave contrary to Act, No. 176;

it

it is sufficient to lay the illegal Taking to have been "*from a Slave unknown*," without naming the Slave.

No. 176. s. 23.i. 224

II. *Evidence, on Indictment for selling Prior-Lien Provisions—See SELLING PROVISIONS RECEIVED ON LIEN OF SLAVES, III.*

III. *Defect or Variance in Indictment.*

1791—Clause ruling, that *Judgment on Verdict in C. P.* shall not be stayed or reversed, for *Defect*, in original or judicial Writ, or for *Variance*; NOT TO EXTEND TO INDICTMENT.

No. 475. s. 169.ii. 100

INFANT.

[*And see LIMITATION OF ACTIONS, VI.*]

Judgment by Default against Infant.

1791—May be set aside—by Writ of Error, and by *Audita Querela* where Sum not sufficient for Writ of Error—*except* in Cases where INFANCY, by Laws of *England*, is not assignable for Error.

Court to assign Guardian.

No. 475. s. 77.ii. 44

INFANT

TRUSTEE OR MORTGAGEE.

Power to convey under Direction of Chancery.

1.

1758—Infant, seised in Trust or by way of Mortgage; may convey, under Direction of Court of Chancery or Exchequer, after Hearing of all Parties on *ex parte* Petition.

No. 213. s. 2.i. 345

2.

May be compelled by Order of Chancery to convey.

No. 213. s. 3.i. 346

INQUEST.

On Slave.

1798—Coroner, or where no Coroner, Justice, to hold Inquest—consisting of three Persons, *min.*—on Slave, six Years of age or older, dying suddenly.

Leew. I. No. 36. s. 20.i. 30

INTAIL.

[*And see DEED, VIII. and EXECUTION, XVIII. 2.*]

Barred without Fine or Recovery.

1705—Intail may be barred by Deed acknowledged by Parties from whom the Interest passes, without Fine or Recovery: provided such Acknowledgment be in the Form, and before the Authorities prescribed.

Leew. I. No. 32. s. 3. and Acts referred to *ibid.*i. 15

INTEREST (LEGAL); USURY; BROCAGE.

[*And see PAYMENT IN MONEY, I.*]

I. Legal Interest.

1.

1738—No Person to take higher INTEREST than six *per Cent. per Annum*:—Taking higher Interest, USURY.

No. 191. s. 3.i. 263

2.

1791—Protested Bill of Exchange, on which Action is brought; to carry from Day of Protest, INTEREST at six *per Cent. per Annum*,—and ten *per Cent.* on principal Sum, for DAMAGES.

Interest to be computed from Day of Protest to Day of Verdict,—and, afterwards, to run, on principal Sum for which Bill was given, till Debt and Costs paid.

No. 475. s. 31.ii. 19

[*And see EXECUTION, XIII. 1. third Paragraph.*]

II.

II. *Penalties for Usury.*

1.

1738—Securities, void.

No. 191. s. 3.i. 263

2.

Person taking usurious Interest, to forfeit treble Value lent.

No. 191. s. 3.i. 263

III. *Rate of Brocage.*

No Scrivener or other Person negotiating Loan, to take higher BROCAGE than 5s. per 100l.; nor more than 3s. for renewing Bond or Bill, or making Counter-bond or Bill.

No. 191. s. 4.i. 263

IV. *Penalties for excessive Brocage.*

Forfeiture of 30l., with Costs; and half Year's Imprisonment.

No. 191. s. 4.i. 264

V. *Limitation of Prosecutions.*

Private Person, to sue in one Year after Offence. The King, to sue in two Years after one Year ended. In latter Case, whole Penalty to go to Public Treasury.

No. 191. s. 6.i. 265

INVASION.

[*And see* MARTIAL LAW; MILITARY DETAILS C) VIII.; 3. and MILITIA, XXXI. XXXV. XXXVIII.]

Asylum for Persons not military—Repository for private Papers and Valuables.

1705—Monkshill Fort to be kept and used as in Title MONKSHILL FORT.

No. 138. s. 3. & seq.i. 176

JOBBER.

Slave to be licensed.

1800—Slave not to ply as Jobber without License annually renewed by Owner, and filed with

JOBBER.

Secretary. To wear Badge, and conform to Regulations in Clauses.

No. 546. s. 1. & seq.ii. 368

1803—No. 570. s. 3. & seq.ii. 442

[*Or see* PORTERS, JOBBERS, AND WATERMEN.]

ISSUES IN FACT.

One Judge a competent Court.

1791—*Issue in fact* may be tried before one or more Justices of C. P.

No. 475. s. 2.ii. 5

[*Or see* COURT (B) II. 2.]

ISSUES IN LAW.

One Judge, incompetent to try.

1791—To be tried before *Chief Justice* and *two other Justices*:—If either Justice absent, or interested,—by *two Justices*, min. *One Justice* to adjourn Hearing.

No. 475. s. 44.ii. 26

[*Or see* COURT (B) II. 3.]

JUDGES.

I. *Appointment and Qualification*—*See the Titles "COURT (A)," etc.*

II. *Order of Precedence.*

1791—As in Clause.

No. 475. s. 185.ii. 106

III. *Amenability.*

As in Court (E) II. 3.

No. 475. s. 188.ii. 107

JUDGE

JUDGE ADVOCATE.

[*And see* MARTIAL LAW, IV. 13. 14. 15.
16. 17. *etc.*]

I. *Appointment.*

1793—Commander-in-Chief of *Leew.* I. to appoint Judge Advocate.

No. 485. s. 55.ii. 183

II. *Powers and Duty.*

To officiate as Judge Advocate for Militia Corps; to prosecute, in the King's Name, Delinquents tried by General Court Martial; and to act correspondingly to the Judge Advocate of the Army.

No. 485. s. 55.i. 183

III. *Fees.*

Fee on each Trial to be 4*l.* min. 6*l.* 12*s.* max. Court to fix Sum.

No. 485. s. 55.ii. 183

1796—No. 511. s. 5.ii. 260

IV. *Penalty for Failure in Duty.*

1793—Judge Advocate, and [*or*] his Deputy,—convicted by General Court Martial of Deficiency in Duty, to be discharged,—or otherwise punished. If dismissed, incapable of Re-appointment.

No. 485. s. 55.ii. 184

JUDGMENT.

I. *By Default.*

1791—On failure of Defendant either to plead Special Plea or Demurrer,—or to appear at *second Court* to plead General Issue; Judgment may be entered as in PRACTICE (GENERAL) XVI. 1.

No. 475. s. 70.ii. 40

II. *Entry*—see PRACTICE (GENERAL) XVI.
2. 4. *etc.*III. *Judgment by Confession*—see PRACTICE (GENERAL) XVI. 3.IV. *Arrest of Judgment*—see PRACTICE (GENERAL) XVII. XVIII. XIX.V. *Reversal of Judgment*—see COURT (D) XVI.VI. *Debt on Judgment*—see PRACTICE (PARTICULAR) V.

JURY.

[*And see* COURT (E) XI.]

I. *Deficiency of Jurors in Towns.*

1702—Deficiency of Freeholders for Jury in Towns, to be supplied by Country Freeholders.

No. 126. s. 34.i. 143

II. *Qualification of Juror.*

1791—Juror to be either *Freeholder* [not Holder of Ten-acre Estate]; *Merchant*; *Trader*; *Lessee of Estate*; *Proprietor of thirty Slaves*, min., *of Estate for Life*, or *greater Estate*; or *Manager of Sugar Plantation*.

No. 475. s. 62.ii. 36

1796—No. 509. s. 13.ii. 255

III. *Alphabetical List of Jurors.*

1791—Provost Marshal to keep, in Book, alphabetical List of Jurors, qualified as in II. To correct List, yearly, between 31. *August* and 1. *April*.

Marshal to lodge Book with Secretary, keeping Copy for his own Use.

Secretary to preserve List of Jurors returned at each Court of C. P. to compare with Book.

No. 475. s. 62.ii. 36

IV. *Summons, and Formation of Jury.*

I.

For Trial of all Causes, [except *Complaints and Cases provided for in COURT (C).*] *Venire facias* to issue, from Secretary to Marshal, ten Days before each Day of Sitting named in Court (B) III. for Summons of forty-eight qualified Jurors.

SUMMONS for Juror, four Days before Juror's required Appearance, to be left by Marshal at Juror's Residence.

No. 475. s. 60.ii. 34

Juror

1791—Juror to be summoned in turn, except Juror making Default, who may be summoned and fined successively.

No. 475. s. 62. 63.ii. 36. 37

Jury to consist of twelve, formed as in 4. 5. and sworn to give true Verdict according to Evidence.

No. 475. s. 60.i. 34

From all the Jurors summoned, Jury to be formed by BALLOT as described. Before one Jury is discharged, Court may order Ballot of fresh Jury for succeeding Trial.

No. 475. s. 61.ii. 35

If full Jury do not appear, Standers-by may be taken.

No. 475. s. 63.ii. 37

V. Penalty on Juror's Default.

Juror making Default, to forfeit 5*l*.

No. 475. s. 63.ii. 37

[And see VIEW BY JURY.]

VI. Challenges to Jurors.

Person may make just Challenges.

No. 475. s. 62.ii. 37

VII. Special Jury.

Court may order Special Jury.

No. 475. s. 62.ii. 37

VIII. Marshal Party to Cause.

Where Marshal Party to Cause, Secretary, on Notice as in PROVOST MARSHAL, X. to direct, ten Days before Court, *Venire facias* to one of the CORONERS, to summon eighteen Jurors, min. twenty-four, max. Form of SUMMONS.

No. 475. s. 64.ii. 37

IX. Jury for Slaves.

[Or see SLAVES (H) I. 3. 4. 5.]

1798—Six reputable White Inhabitants, out of twelve Inhabitants summoned, to be balloted-for and sworn as Jurors.

No. 527. s. 3. 4. 5. 6.ii. 297

JURY-PATH.

I. Public Road.

1.

1753—Jury-Path, a Public Road, under same Regulations as another Highway. [See HIGHWAYS.]

No. 204. s. 3.i. 317

2.

1799—Jury-Path leading from dismantled Plantation, not a Public Road.

No. 533. s. 16.ii. 315

II. Limitation of Jury-Paths.

1.

1724—To Person petitioning at Sessions, one Jury-Path,—not more,—to be granted from Plantation. No Person to be allotted more than one Road to Church and Market.

No. 180. s. 25.i. 239

1799—No. 533. s. 16.ii. 315

2.

1724—No Jury-Path to be granted, unless Justice sign Petition, and Summons be issued thereon to Waywardens and to Parties interested, to shew Cause against Petition.

No. 180. s. 26.i. 239

III. Justice's and Constable's Fees.

Justice's Fee for signing Petition and issuing Summons, 6*s*. On Proof of Summons, if made before him, 3*s*.

Constable's Fee, for Service proved, 3*s*.

No. 180. s. 27.i. 240

JUSTICE OF PEACE.

[And see the various Titles.]

I. Protected from vexatious Suits.

1.

1803—No Writ or Process to be sued against Justice for OFFICIAL ACT, unless written Notice be given him, at least Cal. Month previous, explicitly stating Cause of Action; indorsed by Attorney. Attorney's Fee for preparing and serving Notice, 20*s*.

No. 572. Appendix, s. 1.ii. 447
Justice,

JUSTICE OF PEACE, I.

1803—Justice, in Cal. Month after Notice, may tender Amends; and plead Tender in bar, with Plea of Not guilty, and any other Plea by Leave of Court. If Jury find Tender sufficient, Verdict for Defendant. Justice to have Costs as though he had pleaded General Issue. If Jury find no Amends, or insufficient, tendered; Verdict for Plaintiff, with Damages and Costs. No. 572, Appendix, s. 2. ii. 447

3.

Plaintiff not to recover without Proof of Notice. Evidence of other Cause of Action than in Notice, not to be received.

No. 572, Appendix, s. 3. 5. ii. 448

[And see CONSTABLE III. I.]

4.

Justice, with Leave of Court, may, before Issue joined, pay Money into Court.

No. 572, Appendix, s. 4. ii. 448

5.

Where Judge shall certify Injury to have been wilful, Plaintiff to recover double Costs.

No. 572, Appendix, s. 7. ii. 448

6.

Action must be commenced in six Months.

No. 572, Appendix, s. 8. ii. 448

II. *Amenability*—see COURT (E.) II. 3.

LANDLORD AND TENANT.

[And see DISTRESS FOR RENT; EJECTMENT, I. and CROPS, &c.]

I. *Recovery of Rent.*

1.

1789—If Tenant, in five Days after Distress for Rent and Notice, fail to *replevy*, giving Security to Marshal,—Goods distrained to be appraised and sold. After Satisfaction of Rent and Expenses, Surplus to Owner.

No. 463. s. 1. i. 562

2.

Goods taken in Execution not to be removed, before Payment to Landlord of Arrears due, not exceeding *one Year's Rent*.

No. 463. s. 4. i. 563

3.

1789—If Tenant remove Goods to elude Distress, Landlord may distrain on them for five Days wherever found.

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1789—But Landlord cannot seize Goods *bona fide* previously sold for valuable Consideration.

No. 463. s. 5. i. 564

II. *Action on Parole Agreement.*

Where Demise not by Deed,—Landlord to recover, in *Action on the Case* for Rent, reasonable Satisfaction. Evidence of *Parole Demise*, etc. not to nonsuit Plaintiff, but be used to fix Quantum of Damages.

No. 463. s. 12. i. 568

III. *Tenant holding over.*

1.

Landlord may distrain on Tenant holding over. Distress must be in six Months from End of Lease, during Landlord's Title, and Tenant's Possession.

No. 463. s. 6. i. 564

2.

Tenant, or Person in collusion with Tenant, holding-over after Expiration of Term, and Notice in Writing to deliver Possession; to pay double yearly Value during Detention, recoverable by Action. Defendant to give Special Bail. No Relief in Equity.

No. 463. s. 9. i. 565

LAWS OF ANTIGUA.

I. *The Common Law of England.*

1705—As a Principle of Jurisprudence, the Common Law of *England*, is in force in *Antigua*, as far as it is not altered by some *written Law* of the *Leeward Islands* or *Antigua*, confirmed by the King in Council; or as far as it is not altered by Act of the *English Parliament* extending to *Antigua*. Customs to the contrary, void.

Leew. I. No. 31. s. 2. i. 12

II. *The Laws of the Leeward Islands.*

The Laws and Ordinances, made in General Council and Assembly for *Leew. I.*; to be binding on all the Islands,—any Island whose Representatives refuse to attend, not excepted.

Leew. I. No. 28. s. 7. i. 10

III. *The Acts and legal Customs of Antigua.*

1.

Acts by Legislature [or *written Law*] of the Island, confirmed by the King in Council; will

3 Y

control

Control the Operation of the *British Common Law* as it respects *Antigua*.

Leew. I. No. 31. s. 2.i. 12
2.

1705—Laws and *legal Customs* of *Antigua*, to possess, like the peculiar Laws of the other Islands, an *insulated, local* force.

Leew. I. No. 28. s. 3.i. 9
3.

1798—Act No. 36. *Leew. I.* not to prevent Legislature of *Antigua* from passing Law for the better Subsistence or Protection of Slaves, or for explaining or amending No. 36. *Leew. I.* provided the Protection, Privilege, or Indulgence thereby granted to Slaves be not lessened. *Leew. I. No. 36. s. 51.i. 42*

LAWYER.

Qualification.

1791—Person intending to plead, or practise the Law, or give Advice in Law Matter for Emolument; to take in C. P. with Approbation of Court, in addition to Oaths imposed on Public Officers, OATH in Clause. Certificate of Oath to be filed in Secretary's Office.

Person unqualified practising, to forfeit 50*l.*
No. 475. s. 8.ii. 7

LEASE.

[*And see AGREEMENT and DEED.*]

I. Acknowledgment and Registry.

1698—Lease to be acknowledged before Registrar, and recorded as in DEED VII. 1. or to be recorded as in DEED VII. 2. *etc.*

No. 106. s. 9. 10.i. 118, 119

II. New Lease unnecessary.

1789—Lessee obtaining Relief in Equity against Ejectment for Rent; to hold without new Lease.

No. 463. s. 11.i. 567

[*And see LESSEE.*]

LESSEE.

Suffering Ejectment.

1789—Lessee suffering Ejectment for Rent to proceed to Execution,—without paying Arrears

LESSEE.

and full Costs, and without filing Bill in **six Months**; foreclosed Relief—*except* by Writ of Error; and Landlord to hold discharged of Lease.

No. 463. s. 10.i. 567

[*And see EJECTMENT I. 5. 6.*]

LEGACY.

[*And see DEVISE I.*]

I. Effect of Witnessing Will.

1786—Legacy to Witness of Will, void.

No. 438. s. 6.i. 527

II. Effect of Interested Witness, resigning Interest, or giving Testimony.

1.

Interested Witness to Will, having refused Legacy after Tender; barred from Legacy.

No. 438. s. 8.i. 528

2.

Person having refused Legacy or Bequest by Act declared void; or having been examined as a Witness under Witness II. 1.; not to receive Legacy or Bequest, or any Composition for it.

No. 438. s. 10.i. 528

3.

Having accepted Legacy before giving Testimony; to retain it, though Will adjudged void.

No. 438. s. 8.i. 528

LEGAL DISABILITY—

PERSONS UNDER.

I. Affected by Limitation of Actions.

1718—Person under legal Disability must bring Action in time from Removal of Disability correspondent to Time allowed other Persons.

[*See LIMITATION OF ACTIONS.*]

No. 163. s. 17.i. 199

II. Relievable from Judgment by Default.

1791—Judgment by Default against Person *non compos mentis*, or absent, [respecting Infant, see INFANT] may be set aside by Writ of Error, and by *Audita Querela* where Sum not sufficient for Writ of Error.

No. 475. s. 77.ii. 44

III.

LEGAL DISABILITY, III.

III. *Infant Trustee or Mortgagee*—see **INFANT TRUSTEE OR MORTGAGEE.**

LICENSE (A) TO SELL LIQUORS —RETAIL DUTY ON SPIRITS— PENALTIES.

I. *Common License for Liquors.*

1.

1788—To be granted by Treasurer, Applicant having Sanction in 3. and giving Security in IV. 1. License, in force *six Months*. Sum paid for License; to vary,—according to local Situation, and Kind of Liquors vended,—as in **TAXES (E) I.**
No. 456. s. 1.i. 543

2.

Treasurer to specify, in License, Liquors to be sold.

Tavern Keeper's License, to comprise Wine, Punch, Beer, Ale, Cyder, Perry.

Retailer of Wines in Private House, confined to Wines.

Punch-house Keeper, to sell Rum-Punch only.

No. 456. s. 2.i. 544

3.

1791—Treasurer not to grant License, unless Applicant obtain written Consent of two Justices.
No. 474. s. 2.ii. 2

4.

Treasurer not to grant License to free Negro or Mulatto, unless Applicant obtain Sanction of K. B. and Grand Sessions signified on Petition.

No. 474. s. 3.ii. 2

II. *Bottled Liquors*—Minimum Quantity of Liquor saleable without License.

1.

1788—*Unlicensed Person* selling Liquors in less Quantities than three Dozen if in Bottles,—or than three Gallons in other Vessel; to incur Penalties, in IV. 1. 2. 3. respectively.
No. 456. s. 3.i. 545

III. *Special License for retailing Spirituous Liquors.*

1.

No Rum or Strong Waters, *mixed or otherwise*, to be sold in less Quantities than forty

LICENSE (A) III.

531

Gallons, without special *License for six Months*; for which 10*l.* to be paid, and **BOND**, with Surety approved, given to Treasurer, for Account on Oath every three Calendar Months, and Payment of Duty in **TAXES (F) I.**

No. 456. s. 7.i. 547

2.

1788—Retailer's OATH, when accounting according to Bond.

No. 456. s. 7.i. 547

1789—No. 462. s. 2.i. 560

IV. *Penalties for Offences against I. III.*

1.

1788—Person selling Liquors without **LICENSE** in I. and **BOND**, with Surety approved by Treasurer, TO KEEP ORDERLY HOURS; to forfeit,—on Conviction, before Justices, by Oath of White or free Person,—100*l.*

On failure of immediate Payment of Penalty, or Security in Treasurer's Office for Payment in ten Days,—Commitment till Payment or Security. [See *Application in V.*]

No. 456. s. 2.i. 544

2.

Retailer of Strong Waters without **SPECIAL LICENSE** and **SECURITY** as in III.; to forfeit, on Conviction, before Justices, on Oath of White or free Person,—100*l.*, first Offence; 200*l.*, second; for third, be bound over for Fine of 200*l.*, *min.* 300*l.*, *max.*

No. 456. s. 7.i. 547

3.

If Fine in 2. not immediately paid, or Security given in Treasurer's Office for Payment in five Days,—Commitment till Payment. [See *Application in V.*]

No. 456. s. 13.i. 550

4.

On Person licensed as in III. failing to account and pay,—Treasurer to issue Warrant and bring Defaulter before him. Defaulter refusing, still, to *pay Duty on Oath*, to be committed till Payment by Principal or Surety; and Bond to be put in Suit.

Retailer giving false Account, to be bound over to Sessions, for Punishment as in wilful Perjury.

No. 456. s. 8.i. 548

3 Y 2

V.

**V. Application of Pecuniary Penalties
in IV.**

1788—Half to Informer, half to Treasurer. Treasurer to apply Public Moiety as in Taxes (E) III.

No. 456. s. 13. 12. 15.i. 550

VI. Bartering strong Liquors.

Bartering Rum, or strong Water, for Provisions or Necessaries; to be deemed retailing it, and liable to Duty and Penalties accordingly.

No. 456. s. 9.i. 548

VII. Hawking strong Liquors.

Persons, generally, may seize Rum, &c. carried about in portable Vessels for Sale by Retail. Liquors to be forfeited to Person making Seizure, on Certificate of Justice.

No. 456. s. 11.i. 549

VIII. Penalty for disorderly House.

Deprivation of License by Order of two Justices. Order to be returned by Justices into Secretary's Office, and kept among Proceedings of K. B. and Grand Sessions.

Person selling Liquors under Colour of License taken away; liable to Penalties in IV. 1. 2. 3. respectively.

No. 456. s. 4.i. 545

**IX. Person suspected of retailing Liquors
illegally.**

To be proceeded against as in EXAMINATION ON SUSPICION, IV.

No. 456. s. 10.i. 549

**LICENSE (B) TO RETAIL
SUGAR.**

Minimum saleable without License—Bond.

1800—Retailer of *Muscovado* Sugar in less Quantity than 100*lb.* at once; to take out License for six Months, and enter into Bond in Treasurer's Office, with Surety, in 50*l.*, to account and pay Duty in SUGAR (REGULATIONS ON RETAILERS) II.

No. 554. s. 2.ii. 389

LIC. LICENSE (C) MISCELLANEOUS.**I. Master of Ship.**

1669—Not to trade without License from Governor [Or see VESSEL I.]

No. 17. s. 3.i. 54

II. Inhabitant of Antigua.

Not to depart without License [Or see "FUGITIVE DEPARTURES; &c." II.]

No. 17. s. 3.i. 54

III. Baker.

1799—Common Baker to obtain License from Secretary's Office. [Or see BREAD AND BAKER II. 2.]

No. 538. s. 5.ii. 329

IV. Slave Porter, Jobber, or Waterman.

1800—Not to ply without License from Owner annually renewed, and filed with Secretary. [Or see PORTERS, JOBBERS, AND WATERMEN, I.]

No. 546. s. 1. and References *ibid.*ii. 368

LIMITATION OF ACTIONS.**I. Debt for Provisions as prior Lien.**

1798—Action for Negro Provisions as prior Lien must commence in twelve Months from Delivery,—if against Executor or Administrator, in a Month after Probate or Administration—[See Conduct of Action in PRACTICE (PARTICULAR) VII.]

Leew. I. No. 36. s. 41. 48.i. 37, 41

II. Claim to Land.

1.

1676—Action for Land; in five Years after adverse Possession begins, or in Year after legal Disability ceases.

[And see ACTION II.]

No. 39. s. 2. 11.i. 70, 73

2.

1718—Right to Land or Hereditaments not prosecuted in three Years after Accruer, or after Cessation of legal Disability; barred in Law and Equity.

No. 163. s. 5. 6.i. 195. 196

III.

III. Trespass—Trover—Debt—Case—Assumpsit.

1.

1718—Action of Trespass *Quare Clausum fregit*—Trespass—Detinue—Trover—Replevin—Account—on the Case, *Except* Action for Account on Mercantile Dealings, and *except* Action for Slander—Action of Debt for Rent—Debt for Loan or Contract without Specialty—must, severally be brought in THREE YEARS.
No. 163. s. 13.i. 198

2.

1791—Action on *Promissory Note*; within the Limitation in 1.
No. 475. s. 32.ii. 20

IV. Assault—Battery—Imprisonment.

1718—Menace—Assault—Battery—Wounding—Imprisonment; in TWO YEARS.
No. 163. s. 13.i. 198

V. Slander.

On the Case, for Words spoken, in ONE YEAR.
No. 163. s. 13.i. 198

VI. Persons under Disability.

Must bring Action in Time from Removal of Disability correspondent to Time allowed other Persons.
No. 163. s. 17.i. 199

VII. Renewal of Action.

On Reversal, by Error, or by Arrest of Judgment, or by Reversal of Outlawry, so as Plaintiff take Nothing by first Action; new Action may be commenced in a Year.
No. 163. s. 14.i. 198

VIII. Action for Purchase Money of forfeited Land.

1747—Action for Purchase Money of Land sold as in TITLE VI. must be commenced in three Years.
No. 199. s. 12.i. 296

IX. Action against Justice or Constable for official Act.

1803—Must be commenced in six Months.
[See Conduct of Action in JUSTICE OF PEACE I.]
No. 572, Appendix, s. 8.ii. 448

LIMITATION OF INFORMATION, CRIMINAL PROSECUTION, OR PENAL ACTION.

[And see the various Titles.]

I. Drunkenness.

1668—Six Months—No. 7. s. 7.i. 52

II. Profane Swearing.

Twenty Days—No. 7. s. 3.i. 51

III. Illegal Gaming.

1723—Six Months, if Loser prosecute; a Year after six Months, if other Person prosecute.
No. 175. s. 2. 3. 4.i. 211. 212. 213

IV. Usury and illegal Brocage.

1738—One Year, if private Person prosecute;—Two Years after one Year, if the King prosecute.
No. 191. s. 6.i. 264

V. Deficiency of White Servants.

1740-1—Two Years from Commencement of Deficiency.
No. 194. s. 15.i. 280

VI. Illegal Exportation or Possession of old Metal.

1794—Seven Calendar Months after Offence committed or discovered.
No. 494. s. 4.ii. 221

VII. Baking Bread without License or Mark.

1799—Forty-eight Hours after Offence.
No. 538. s. 7.ii. 330

VIII.

VIII. *Master irregularly employing Pilot out.*

- 1804—Eighteen Months after Departure of Vessel.
No. 579. s. 2.ii. 465

LIVERY AND SEISIN.

Unnecessary.

1. 1698—Record of Deed in Registrar's Office, super-
sedes Necessity of Livery and Seisin.
No. 106. s. 20. 21.i. 122
2. 1764—Livery of Seisin not necessary to give Effect
to Conveyance executed out of *Antigua*.
No. 270. s. 1.i. 369

LONG ISLAND.

Indemnity for Loss from Enemy.

- 1725—Proprietor of Land in *Long Island*, suffering
Loss from Public Enemy; to be indemnified
from Treasury, as Inhabitant of *Antigua*.
No. 184. s. 10.1. 248

MADEIRA AND WESTERN ISLAND WINES.

I. *Duty.*

- 1767—Exempted from Duty imposed by Colonial
Legislature.
No. 293.i. 383

II. *Entry—Penalty for running Wines—
See TAXES (C) III. 1.*

[N. B. The Duties to the COLONIAL GOVERNMENT being repealed; so much only of Act No. 102 as relates to *Madeira and Western Island Wines*, is digested in this Index, as it remains necessary to enforce (1.) to prevent other Liquors from eluding Duties to the Colonial Government under Colour of being *Madeira and Western Island Wines*; and (2.) to collect the Duty to the BRITISH GOVERNMENT, of Seven Pounds per Ton, imposed by 4. Geo. III. C. 15. s. 1.]

III. *Oath on Entry.*

- 1697—Collector to administer OATH to Mariner
entering *Madeira* [*Qu. and Western Island?*]
Wines.
No. 102. s. 5.i. 114

[*QUÆRE. If Circumstances do not require Oath to the effect, That the Wines entered as Madeira or Western Island Wines, were taken on board at Madeira or one of the Western Islands; and that the Person making Entry does not directly or indirectly know, the entered Wines to be other than of the Growth of Madeira or one of the Western Islands, unmixed with Wines of any other Growth?*]

IV. *Search of Suspected Place—see TAXES (C) IV.*V. *Conditional Remission of Duty—see TAXES (C) V.*VI. *Wines to be imported in Casks of prescribed Sizes—Regulations for gauging*

1. 1800—*Madeira and Western Island Wines*, to be
sold in *Pipes*, gauging 110 Gallons each; or
Hogsheads, gauging 55 Gallons each; or *Quarter-casks*, gauging 27 Gallons each—Gallons ad-
measured by common Gauging-rod in *Antigua*.
No. 542. s. 1.ii. 353

Importer of *Madeira or Western Island Wines* to apply to sworn Gauger, to measure Casks, and mark Contents on Bulge.—Importer to return to Treasurer Certificate of Gauging. Gauger to attend and swear to Certificate Gauger's Fee, 4s. 6d. per Cask.

- No. 542. s. 2.ii. 353

3.

Importer to pay 20s. for every Gallon short of Standard in 1.

- No. 542. s. 3.ii. 353

4.

Importer wilfully having *Wines ungauged*, forty-eight Hours after Landing; to forfeit 10l. per Cask.

- No. 542. s. 4.ii. 353

5.

Collector of Customs, Collector's Agents, Informant, (having Warrant obtained by Oath, before Justice, of Cause of Suspicion,) may, with

with Constable, search any Premises for concealed Wines. Wines found imported under Gauge, to be forfeited; two-thirds to the King; two-thirds to Informer.

No. 542. s. 7.ii. 355

VII. Gauger.

1.

1800—APPOINTMENT. Commander-in-Chief of *Leew. I.* with Council and Assembly of *Antigua*, to appoint Gauger.

No. 542. s. 5.ii. 354

2.

QUALIFICATION. Gauger, before entering on Office, to take OATH.

No. 542. s. 5.ii. 354

3.

TEMPORARY GAUGER. If Gauger sick or absent, Chief Commander of *Antigua* may appoint temporary Gauger; to be also sworn.

No. 542. s. 6.ii. 354

VIII. Fines.

1.

Fines incurred either by Importer or Gauger; to be recovered before Justice, on Complaint by Treasurer, or Information by other Person. Justices to summon, and examine on Oath Party complained against. If Fine not paid in forty-eight Hours, Warrant for Levy by Marshal on Goods;—if no Goods, Imprisonment.

No. 542. s. 8.ii. 355

2.

Fines not directed to other Application; to Treasurer for Fortifications.

No. 542. s. 9.ii. 356

MAIMING.

Maiming Slave.

1.

1797—Maiming Slave, punishable as maiming White by Laws of *England*.

No. 522. s. 2.i. 287

2.

1798—Maiming Slave, punishable as maiming White.

Leew. I. No. 36. s. 21.i. 30

MARKET.

I. Market-place.

1.

1748—Ground described in Clause, allotted for Market-place.

No. 200. s. 36.i. 314

2.

No Shambles, Stalls, or Market-house to be built nearer to private Building contiguous to Market-place than ten Feet.

No. 200. s. 37.i. 314

II. Market-house.

1.

1792—Clerk of the Market, under Direction of Commander-in-Chief of *Leew. I.* &c. to build Market-house. Scite not to be private Property.

No. 484. s. 2.ii. 133

2.

Market-house, Place for selling Meat, Flesh, or Fish in *St. John's* and Places within a Mile, to Exclusion of every other Place except Dwelling-house on Plantation. [But consult VICTUALS, I. with HAWKING AND PEDLING—RESTRICTIONS ON, II.]

No. 484. s. 4.ii. 134

3.

White or Free Person, convicted, before Justice, of infringing Regulation in 2.; to forfeit 5*l.* leviable by Distress: for want of Distress, Imprisonment seven Days, *max.* two Days, *min.*

No. 484. s. 4.ii. 134

III. Clerk of the Market.

1.

1702—APPOINTMENT AND QUALIFICATION. To be appointed by acting Governor;—not to act till sworn before Governor or two of the Council.

No. 126. s. 23.i. 140

2.

DUTIES. To summon four Inhabitants to view unwholesome Provisions. [And see VI.]

No. 126. s. 22.i. 140

To

3.

1792—To attend Market-house, daily, from six A. M. to eleven A. M. to weigh Meat or Fish, or Flesh, brought for Sale; and give Minute of Price and Weight.

No. 484. s. 3.ii. 133

4.

FEES. For Ox, Cow, or Heifer sold in Market-house, 3s. Goat or Sheep, 1s. and in Proportion for Part. Turtle or Fish, 1½d. for 6lb.

No. 484. s. 3.ii. 133

5.

1702—OFFICES ANNEXED. To compensate for disproportion of Emoluments of Clerk of the Market to Trouble of that Office; the Offices of Common Cryer and Common Whipper are annexed.

No. 126. s. 23.i. 140

IV. *Weights and Measures.*

1.

Steelyards; prohibited under Penalty of 20s. to Clerk of the Market.

No. 126. s. 24.i. 141

2.

Standard Weights and Measures; in Custody of Clerk of the Market.

No. 126. s. 28.i. 142

V. *Price of Provisions.*

1.

1792—Court of K. B. to settle Price at which FLESH shall be sold. Price to be published in Newspaper. Person demanding greater Price than in Order, after Order made twenty Days; to incur same Penalty as in II. 3.

No. 484. s. 6.ii. 134

2.

1803—Price of FISH as in Table. [Or see FISHING-NET AND FISH, IV.]

No. 577. s. 1.ii. 461

VI. *Unwholesome Provisions.*

1702—To be viewed by four Inhabitants, on Summons of Clerk of the Market. On Return as Nuisance, by three of such Inhabitants; to be burnt and thrown into the Sea, at Owner's Charge.

No. 126. s. 22.i. 140

MARRIAGE.

I. *Marriage.*

1.

1672—Marriage solemnized by Justice of Peace or Member of Council, under Order of Governor and Council, as good as by Minister: provided no Beneficed Clergyman be on the Island.

No. 21. s. 3.i. 57

2.

Litigation respecting Bastardy or Lawfulness of Marriage, to be tried, as Issue at Common Law, by Jury.

No. 21. s. 4.i. 57

3.

1692—Clergyman not in Orders according to Church of England, not to solemnise Marriage under Penalty of 20l. Qualified Minister not to marry, without Banns or License.

No. 80. s. 18.i. 92

II. *Marriage of Free Person with indented Servant.*

1716—Free Person contracting Matrimony with Servant, to forfeit 100l.; if Servant a Tradesman, double.

No. 153. s. 16.i. 186

III. *Marriage of Free Person with Slave.*

1.

1702—Minister not to marry Free Person to Slave under Penalty of 50l.

No. 130. s. 24.i. 164

2.

Free Person contracting Matrimony with Slave, to pay Owner 20l. or serve four Years.

No. 130. s. 25.i. 164

IV. *Marriage of Slaves—See SLAVES (H); XIII.*

MARRIAGE SETTLEMENT.

Devise good.

1791—Devise for raising Portions pursuant to Marriage Contract made before Marriage; forcible.

No. 475. Appendix, I. s. 4.ii. 122

MARTIAL LAW.

I. *Times when Martial Law shall be in force—
Persons affected by it.*[*And see MILITARY DETAILS (B) II. and
MILITARY DETAILS (C) II. 1.*]

1.

1702—Martial Law may be proclaimed, to prevent
the Spread of Contagion.

No. 131. s. 14.i. 167

2.

1793—On Alarms, and whenever Commander-in-
Chief, with Advice of Council and Assembly,
shall, for Public Object, appoint; Martial
Law in force over all the Inhabitants.

No. 485. s. 44.ii. 164

3.

Martial Law in force over *Militia Corps* on
Field-days, from nine A. M. till Noon, if so
long in the Field.

No. 485. s. 44.ii. 164

4.

Over Corps or Detachment on Military
Duty.

No. 485. s. 44.ii. 164

[*And see GUNNERS, MATROSSES, AND PER-
SONS EMPLOYED IN FORTS, I. II.*]II. *Partial Proclamation of Martial Law—
Regulations for the War commenced 1803.*

1.

1803—Chief Commander of *Antigua* (Council and
Assembly concurring) may—DURING THE WAR
WITH FRANCE COMMENCED 1803—by Pro-
clamation, require Militia to prepare for Ser-
vice, and employ Portions of it as Guards,
without declaring Martial Law over the WHOLE
Island.

No. 575. s. 1.ii. 455

2.

Orders for so assembling Militia,—to pro-
ceed from Chief-Commander, with Advice of
Council of Officers constituted as in MILITIA,
XXX.

No. 575. s. 2.ii. 455

3.

During Time stated in Proclamation, Mem-
bers of Militia, punishable for Disobedience,
as if Martial Law was in force under ActNo. 485. s. 44. 45.
No. 575. s. 3.ii. 456

Vol. II.

4.

1803—During such *Precautionary Martial Law*,—
Civil Authorities and Process of Courts not to
be interrupted, further than in 5.

No. 575. s. 4.ii. 456

5.

No Person going to, or on Military Duty,
or till twenty-four Hours after; liable to *answer*,
or *be served with* Civil Process, or to suffer
Distress.

No. 575. s. 5.ii. 457

6.

On Alarm occasioned by *Vessels at Sea*; or
actual Invasion,—Civil Authorities cease till
Discharge of Alarm.

No. 575. s. 6.ii. 457

III. *Articles of War.*1793—During Martial Law,—the fifty-five Articles
of War detailed in Clause, in force.

No. 485. s. 45.ii. 165—176

IV. *Court Martial (General.)*[*And see VI.*]

1.

CONSTITUTION. *General Court Martial* to
consist of thirteen Commissioned-officers, *min.*
President must be Field-officer. When Field-
officer tried, no Member to be lower in Rank
than Captain.

No. 485. s. 51.ii. 180

2.

QUALIFICATION OF MEMBERS—Oaths in
Clause to be taken.

No. 485. s. 51.ii. 180

3.

EXCLUSIVE JURISDICTION OF COURT.
Court, (as possessing Jurisdiction not possessed
by Regimental Court,) to try *Offences committed*
by OFFICERS, and CAPITAL *Offences committed*
by Non-commissioned-officers and Privates.

No. 485. s. 51.ii. 180

4.

1796—To try Offences against the 4th, 13th, 18th,
22d, 24th, 30th, 53d, 55th Articles of War.
To try Offences committed by Officers against
the 8th, 26th, 27th, 28th, 29th, 32d,
34th, 35th, and 54th Articles of War: in Ad-
dition

3 Z

dition to those originally restrained to Court by Articles of War.

No. 511. s. 10.ii. 261

5.

1793—POWERS. May summon Persons necessary, and administer Oaths to Witnesses. May adjourn. [And see VI. 3. 4. 5.]

No. 485. s. 51. 49.ii. 180. 179

6.

EXCLUSIVE POWERS. May both fine and imprison Offender. May inflict Punishment extending to Life or Limb, where expressed by Articles of War. [But see VI. 3. 4.]

No. 485. s. 49.ii. 179

7.

No Officer, except Adjutant, can be cashiered but by General Court Martial.

No. 485. s. 62.ii. 188

8.

Court, on Appeal from Decision of Regimental Court, may add distinct Sentence. Additional Sentence not to be heavier than first.

Court may release Appellant altogether from Sentence of Regimental Court; or discharge from Confinement, or mitigate Sentence.

No. 485. s. 59.ii. 186

9.

CONVENING COURT—TIME—PLACE. On Application of Commanding-officer of Corps to which Offender belongs,—Commander in-Chief of *Leew. I.* or, in his absence, President of Council of *Antigua* to issue, to Adjutant of Delinquent's Corps, Warrant for Court Martial; himself fixing TIME [See 10.] and PLACE, and nominating President and Officers, selecting them from same Corps or not.

No. 485. s. 50.ii. 179

1796—No. 511. s. 2.ii. 259

10.

1793—HOURS OF SITTING. Between eight A. M. and three P. M. No Proceedings at other Time.

No. 485. s. 51.ii. 180

11.

CONDUCT OF PROCEEDINGS. Accuser, in Application to resident Chief Commander, to state Charge in Writing, annex his Witnesses' Names, and sign his Name.

No. 485. s. 53.ii. 182

1796—No. 511. s. 2, 3.ii. 259

12.

1793—When Offender not arrested or confined by superior Officer during Martial Law, Accuser must make his Application in twenty-four Hours after coming to Knowledge of Offence: or Offender cannot be tried, unless Commander-in-Chief order Court from his *own Knowledge of Offence*. [BUT QUERE, Whether, since No. 511. s. 2. ii. 259, Application to COMMANDER-IN-CHIEF by *third Person* is not necessary?]

No. 485. s. 53.ii. 182

13.

Commander-in-Chief, on receipt of Charge, will arrest or confine Offender not already arrested or confined, and transmit to Judge Advocate *Copy of Charge*, with Names of Witnesses.

No. 485. s. 53.ii. 182

1796—No. 511. s. 3.ii. 259

14.

1793—Judge Advocate, forthwith, to furnish Prisoner with Copy of Charge and Names of Witnesses against him, and demand a List of his Witnesses. Judge Advocate, then, delivers to Adjutant Names of all the Witnesses, to be summoned. [See VI. 8.]

No. 485. s. 53.ii. 182

15.

Judge Advocate to prosecute in the King's Name, and generally act as Judge Advocate in the Army acts. To be sworn by President.

No. 485. s. 55. 51.ii. 183. 181

16.

1796—If Doubt arise as to Authenticity of *Copy of Charge*, Court to direct Judge Advocate to attend Commander-in-Chief, and enquire Truth of Copy.

No. 511. s. 4.ii. 260

17.

1793—NECESSARY SANCTIONS TO SENTENCE. No Sentence can be given unless nine Members concur. If more than thirteen Members present, two-thirds must concur.

No. 485. s. 52.ii. 181

18.

Sentence *depriving of Life*; must be approved by Commander-in-Chief of *Leew. I.* expressed by Warrant, under his Hand and Seal, to Commanding-officer of Delinquent's Corps, directing Execution of Sentence.

No. 485. s. 52.ii. 181

In

19.

1793—In Sentence *not depriving of Life*; Approbation of Commander-in-Chief of *Antigua*, sufficient,—expressed by “APPROVED,” at End of Proceedings, signed with his Name, and dated; *in addition to Warrant*, under his Hand and Seal, to Commanding-officer of Delinquent's Corps, directing Execution of Sentence.

No. 485. s. 52.ii. 181

1796—No. 511. s. 9.ii. 261

20.

1793—COPY FOR PARTY TRIED. Party tried, on reasonable Payment, intitled to Copy of *Proceedings and Sentence*, at Time not sooner than Cal. Month after Sentence passed.

No. 485. s. 52.ii. 181

21.

1796—JUDGE ADVOCATE'S FEE. To be settled by Court, at 4*l.* min. 6*l.* 12*s.* max. payable on President's Order. Order to be given in ten Days, or President to pay Fee.

No. 511. s. 5. and Reference.ii. 260

22.

PENALTY FOR NON-ATTENDANCE. Officer, or other Person, failing to attend General Court Martial, as Member or Witness; to forfeit 50*l.*—unless good Excuse made to Court.

Warrant to Adjutant to levy Fine, to issue from President in forty-eight Hours after Rising of Court.

President not issuing Warrant in twenty-four Hours on Application of Adjutant as in 23; to forfeit 50*l.*

No. 511. s. 6.ii. 260

23.

Adjutant to apply, in forty-eight Hours, to President of Court for Warrant: if President refuse, to Commander-in-Chief.

No. 511. s. 7.ii. 261

24.

Fines under 22. 23. to be applied as Fines in MILITIA, XVII. 4.

No. 511. s. 8.ii. 261

V. Court Martial (Regimental).

1.

1793—CONSTITUTION OF COURT. Commissioned-officers of Militia Corps may, under Appointment of Commanding-officer, hold *Regimental Court Martial*.

1793—To consist of five Officers, *min.* President not to be under Rank of Captain.

No. 485. s. 54.ii. 183

2.

JURISDICTION. Court to try those Offences which are not directed to be tried by General Court.

No. 485. s. 54.ii. 183

3.

POWERS. May summon Witnesses or Others. May sentence to Fine or Imprisonment. [*And see VI. 3. 4. 5. 7.*]

No. 485. s. 54.ii. 183

4.

PLACE OF SITTING. Nearest Place to Parade, deemed convenient by Commanding-officer.

No. 485. s. 57.ii. 185

5.

CONDUCT OF PROCEEDINGS. As in Regimental Courts Martial in the Army. Judgment by Majority of Voices. [*And see VI. 1. 2. infra.*]

No. 485. s. 54.ii. 183

6.

Delinquent to be tried by Officers of Corps to which he belongs. Where Officers of Corps deficient, Commanding-officer may summon (by Adjutant) Commanding-officer of other Corps, to make up Court Martial. Officers residing nearest, to be summoned.

No. 485. s. 56.ii. 184

7.

SANCTION TO SENTENCE. Sentence not to be executed till confirmed in Writing by Commanding-officer of Corps.

No. 485. s. 54.ii. 183

8.

PENALTY FOR NON-ATTENDANCE. Member or Witness failing to attend, to forfeit 10*l.* [*And see VI. 8.*]

No. 485. s. 57.ii. 185

VI. Regulations applying both to General and Regimental Court.

1.

PRECEDENCY OF MEMBERS. Members of same Rank, whether of same Corps or not, to take Precedency by Date of Commissions.

No. 485. s. 57.ii. 185

1793—MANNER OF VOTING. Youngest to vote first.

No. 485. s. 57.ii. 185

1796—POWERS OF COURT. Nothing in No. 485. s. 49. to prevent Court from inflicting Punishment prescribed by Articles of War.

No. 511. s. 1.ii. 259

4. Court can inflict no corporal Punishment other than Imprisonment. Imprisonment not to exceed six Months,—EXCEPT General Court Martial shall inflict pecuniary Fine as well as Imprisonment, and Delinquent at end of Imprisonment shall refuse, though able, to pay Fine, or to submit to additional Punishment in lieu of Fine; in which Case, General Court Martial may direct Offender to be confined, after Expiration of original Confinement, till, Fine paid and [Qu? or] additional Punishment submitted to.

No. 511. s. 13.ii. 262

5. 1793—Court Martial may try Delinquent for Offence during Martial Law, though Martial Law shall have ceased. [And see VII. infra.]

No. 485. s. 46.ii. 177

6. SECOND TRIAL. No second Trial for same Offence, unless on Appeal from Regimental to General Court Martial, as in 10.

No. 485. s. 52.ii. 182

7. REVISION OF SENTENCE. Sentence not to be revised more than once.

No. 485. s. 52.ii. 182

8. NOTICE TO MEMBER OR WITNESS. Member or Witness to have twenty-four Hours' Notice in Writing from Adjutant. [And see IV. 22. and V. 8. respectively.]

No. 485. s. 57.ii. 185

9. INVIOLE DIGNITY OF COURT. Members to be decorous and attentive. Person menacing Court by Word, Sign, or Gesture, or behaving riotously; punishable at Discretion of Court.

No. 485. s. 58.ii. 185

10. 1793—APPEAL. Person aggrieved may appeal from Regimental to General Court Martial. Commanding-officer to stay Execution of Sentence. No Appeal allowable unless Prisoner be sentenced to pay more than 10/; or to be imprisoned more than thirty Days. AUTHORITY of Court on Appeal, as in IV. 8.

No. 485. s. 59.ii. 186

VII. Trial after Cessation of Martial Law.

1. Offender confined; and not tried during Martial Law; to be kept in Arrest, if Officer,—not Officer, lodged in Fort George or Fort James, till tried or discharged.

Trial, in three Days after Cessation of Martial Law.

No. 485. s. 46.ii. 177

2. If Delinquent has not been in, or has escaped from Custody,—Commanding-officer may, by Warrant to Constable, cause Delinquent's Apprehension, and send him to Fort George or Fort James till tried.

Trial, in three Days after Delinquent in Custody.

No. 485. s. 46.ii. 177

VIII. Fine imposed on Delinquent by Court Martial.

1. RECOVERY. Fine must be immediately paid (except on Appeal) to President. Delinquent not paying, to be committed till Payment of Fine and Charges.

No. 485. s. 62.ii. 188

2. APPLICATION. First, in paying Judge Advocate's Fee, and Charges of Court; Remainder, as Court shall order.

No. 485. s. 49.ii. 179

IX. Delinquent resisting Sentence.

Delinquent resisting Sentence; or attempting to escape; with Abettors; to be tried by Court Martial, and punished according to Sentence.

No. 485. s. 60.ii. 186

X. Confinement of Delinquent.

1. 1793—Delinquent to be, *before Trial*, confined in Fort George, or Fort James: *After Trial*, either in Fort George, Fort James, or Common-jail, according to Sentence.

Gunner or Jail-keeper refusing to receive Delinquent, or suffering Escape; to be apprehended by Warrant of Adjutant; and tried by Court Martial which tried Delinquent;—Punishment as sentenced.

No. 485. s. 61.ii. 187

2.

No Delinquent to be confined, in Fort or Jail, without Warrant from Commanding-officer. Warrant to recite alleged Crime, or Sentence; under Commanding-officer's Hand and Seal; directed to Gunner or Keeper.

No. 485. s. 61.ii. 187

XI. Maintenance under Confinement.

Delinquent to receive from Gunner or Jailer every twenty-four Hours, 1*lb.* of Bread, 1*lb.* of Beef, and reasonable quantity of Water:—To be paid for by Treasurer at Rate of 2*s.* per Day for each Prisoner subsisted.

Gunner or Jail-keeper, convicted before Justice, of not providing prescribed Subsistence for Prisoner, to forfeit 20*s.* per Day. If Distress insufficient, to be imprisoned till Payment.

No. 485. s. 61.ii. 187

XII. Illegal Detention by Jailer.

Jail-keeper or Gunner, refusing to discharge Prisoner when legally required; to forfeit 20*l.* for every twenty-four Hours of Detention.

No. 485. s. 61.ii. 188

MASTER AND FREE SERVANT.

[*And see Militia, XIII. XVII. 2.*]

I. Voucher for Employ.

1716—No Person to employ Servant without Certificate, unless Servant has been out of Servitude twelve Months; under Penalty of 100*l.*

No. 153. s. 10.i. 185

II. Recovery of Wages.

1684—Justice of Peace to judge in Controversies respecting Wages; and, after examining Par-

ties on Oath, to order Payment of Sum found due, in fourteen Days. Payment, leviable by Warrant in nature of an Execution.

Wages litigated not to exceed 2000*lb.* Weight of Produce.

No. 70. s. 2. 3.i. 85

MASTER AND INDENTED SERVANT.

[*And see MILITIA XIII. XVII. 2.*]

I. Term of Servitude—Certificate of Age.

1.

1716—Imported Servant stating himself, or appearing to Justices to be under seventeen, being without Indentures; to serve till of Age. To be examined before Justice in Month after engaging in Service. Age, as acknowledged or adjudged, to be certified in Writing by Justice. Unindentured Servant whose Master shall not have such Certificate, to serve four Years, and no more. Indentured Servant to serve till end of Term, not exceeding seven Years.

No. 153. s. 8.i. 184

II. Service due to Master exclusively.

Contracts with Servant without Master's Consent, void.

No. 153. s. 11.i. 185

[*And see IX. 2. 3. and X.*]

III. Gratuity for Servitude.

Servant completing Time, to receive, from Master, 400*lb.* of Produce,—or 50*s.*,—or Gun and Cartouch Box of 50*s.* Value.

No. 153. s. 9.i. 184

IV. Lodging.

Convenient Lodging, to be provided Servant.

No. 153. s. 13.i. 185

V. Food.

1.

1755—Master to allow Servant, weekly, one Meal of good fresh Meat, or fresh Fish,—and 18*lb.* of Salted Cod-fish, or 12*lb.* of Salted Beef or Pork,—and ten Pounds of Flour, Bread, Biscuit, or Casada, or, in lieu of each Pound of Flour, &c. three Pounds of Yams, Potatoes, Eddos, or Plantains.

No. 206. s. 3.i. 320

Victuals

542 MASTER AND IND. SERV. V.

2.
1755—Victuals to be cooked, if Servant requires it.
No. 206. s. 4.i. 320

3.
Master feeding Servant otherwise *sufficiently*,
not obliged to find identical Allowance in 1.
No. 206. s. 5.i. 320

4.
1767—Regulations in 1. 2. 3. extended to White
WOMEN Servants.
No. 295. s. 3.i. 388

VI. Cloathing.

1.
1755—Master to furnish White MAN Servant,
Yearly, with six Waistcoats, six Shirts, six
Pair of Breeches, six Pair of Shoes, six Pair
of Stockings, two Hats, and in Proportion for
less than a Year; and one Great-coat for a
Year.
No. 206. s. 7.i. 320

2.
1767—Master to allow White WOMAN Servant
Cloathing suitable to her Station, to cost 20*l.*
min. annually.
No. 295. s. 3.i. 388

VII. Treatment when Sick.

1.
1716—If Master turn Servant free when sick,
Churchwarden or Magistrate may place out
Servant anew. First Master to pay Mainte-
nance, and Fine of 20*l.*
No. 153. s. 12.i. 185

2.
1755—Master to furnish sick Servant with proper
Medicine, Nourishment, and Necessaries;—
while found, to rate in lieu of ordinary Allow-
ance.
No. 206. s. 6.ii. 320

3.
1767—Regulation in 2. extended to White WOMEN
Servants.
No. 295. s. 3.i. 388

VIII. Penalties on Master not providing for, or maltreating Servant.

1.
1755—For Default in Provisions, Cloathing, or
Treatment while sick; Penalty of 10*l.* *max.*

MASTER AND IND. SERV. VIII.

recoverable before Justices, and applicable as
Fine exceeding 6*l.* by No. 153. s. 20. (that is
to say)—After Levy by Constable under War-
rant, to be distributed half to Party complain-
ing; half to Poor of Parish.

No. 206. s. 8.i. 321

2.
1755—On third *just* Complaint against Master for
Default in Servant's Food, Cloathing, Lodging,
or Treatment when sick,—or for cruel Usage,—
Servant to be set free by Justices. Any Per-
son may employ Servant liberated.
No. 206. s. 9.i. 321

3.
1767—Regulations in 1. 2. extended to Case of
White WOMAN Servant.
No. 295. s. 3. 4.i. 388

[And see XI.]

IX. Delinquencies of Servant.

1.
1716—Servant striking his Master or Overseer, or
embezzling Master's Goods to Amount of
40*s.*, to serve a Year; for less Delinquency,
proportionate Time, to be fixed by Justice.
Extra Service to be performed when indented
Time expired.
No. 153. s. 15.i. 186

2.
Servant *absent without Leave* or in *Confine-*
ment not resulting from Command of Master ;
to serve double Time lost.
No. 153. s. 17.i. 186

3.
1767—Extended to Case of White WOMAN Ser-
vant.
No. 295. s. 4.i. 388

X. Remedy of Master against third Persons.

1.
1716—Person employing Servant without Certifi-
cate of Freedom, Servant not having been
twelve Months free; to forfeit 100*l.*
No. 153. s. 10.i. 185

2.
Contracts with Servant without Master's
Consent, void.
No. 153. s. 11.i. 185

Free

MASTER AND IND. SERV. X.

3.

1716—Free Person contracting Matrimony with Servant without Master's Consent, to forfeit 100*l.*; if Servant a Tradesman, Penalty double. No. 153. s. 16.i. 186

4.

Servant entertaining Renegade Servant twenty-four hours; to be whipped,—or serve three Months, at election of Party injured. Free Person entertaining Servant twenty-four Hours; to forfeit 20*l.* No. 153. s. 17.i. 186

XI. Complaints and Appeals.

Justice, or Justices, as respectively required by Act, to decide on Complaints and Differences by and between Master and Servant. Master or Servant may appeal to Sessions; but not from Corporal Punishment, which is to be immediately executed. Unfounded Complaint, punishable at Discretion of Justices in Sessions. No. 153. s. 19.i. 187

MASTER AND SLAVE (A).

OBLIGATIONS OF MASTER—RIGHTS OF SLAVE.

I. Slave's Food

1798—As in SLAVES (H) II. Leew. I. No. 36. s. 1. 2. 3. 4. 5.i. 21. 22. 23

II. Allotment of Land.

As in SLAVES (H) III. Leew. I. No. 36. s. 6.i. 24

III. Cloathing.

As in SLAVES (H) IV. Leew. I. No. 36. s. 7.i. 25

IV. Master's Account of Food and Cloathing.

As in SLAVES (H) V. Leew. I. No. 36. s. 8. 13.i. 25. 27

V. Hours of Labor.

As in SLAVES (H) VI. Leew. I. No. 36. s. 9. 10.i. 25. 26

MASTER AND SLAVE (A), VI. 543

VI. Holidays.

1778—As in SLAVES (H) VII. No. 390. s. 1.i. 447

VII. Maintenance of disabled Slave.

1798—As in SLAVES (H) VIII. 2. Leew. I. No. 36. s. 12.i. 26

VIII. Treatment when sick—Account of Births and Deaths.

As in SLAVES (H) IX. 1. 2. 3. 5. 6. 7. 8. 9. Leew. I. No. 36. s. 19. 27. 34. 30. 31. 32. 35. i. 30. 33. 35. 34. 35

IX. Cruelty prohibited.

As in SLAVES (H) XII. 3. 4. 5. Leew. I. No. 36. s. 15. 17. 18.i. 28. 29

X. Nominal Marriages of Slaves, one with one—Premiums for Fidelity—Premiums for Children.

As in SLAVES (H) XIII. Leew. I. No. 36. s. 22. 23.i. 31. 32

XI. Treatment of Mother of Children.

As in SLAVES (H) XIV. XV. Leew. I. No. 36. s. 37. 38. 24.i. 36. 32

XII. Liberty to attend Worship.

As in SLAVES (H) XVI. 1. Leew. I. No. 36. s. 26.i. 32

MASTER AND SLAVE (B).

SLAVE'S LABOR DUE TO MASTER—PENALTIES ON SLAVE.

I. Absconding three Months, or more.

1702—Punishable as in SLAVES (D) No. 130. s. 16.i. 162
1723—No. 176. s. 4.i. 216

II. Leading Gang of Ten to abscond ten Days.

Punishable as in SLAVES (D) II. No. 176. s. 6.i. 217.

III. Roaming for Employ,—trafficking without License.

1757—Punishable as in SLAVES (D) III. No. 212. s. 9.i. 341

IV.

544 MASTER AND SLAVE (B), IV.

IV. Domestic Slave taking any of the Holidays at Christmas.

1778—Not warranted by the general Liberty. [Or see SLAVES (H) VII. 1.]
No. 390. s. 1.i. 447

V. Resisting, when pursued as Runaway.

1702—Liable to be killed.
No. 130. s. 19.i. 163

MASTER AND SLAVE (C).

PENALTIES ON THIRD PERSONS RECEIVING OR WITHHOLDING SLAVE'S LABOR.

I. Detaining Slave—Enticing Slave.

1702—Penalty, as in SLAVES (C) I. II. IV.
No. 130. s. 2. 3.i. 158. 159
1757—No. 212. s. 9.i. 341

II. Entertaining Runaway.

1723—Corporal Punishment or Fine as in SLAVES (C) III. IV.
No. 176. s. 10.i. 218
1757—No. 212. s. 9.i. 341

III. Employing on Shipboard Slave without Badge.

1803—Fine, as in SLAVES (C) V.
No. 546. s. 5.ii. 370

IV. Obstructing Search for Runaway.

1723—Fine as in SLAVES (C) VI.
No. 176. s. 12.i. 220

V. Carrying-off Slave.

1702—Criminal Punishment, as in SLAVES (C) VII.
No. 130. s. 3.i. 159

MATROSSES.

I. Subject to Articles of War.

1794—As in GUNNERS, &c. I. II.
No. 495. s. 1. 2. and References.ii. 223. 224

II. Subsistence.

1796—As in GUNNERS, &c. III.
No. 510. s. 1.ii. 256

MATROSSES, III.

III. Entry—Quitting—Discharge.

1796—As in GUNNERS, &c. IV. V. VI.
No. 510. s. 2. 3.ii. 257
1798—No. 525. s. 5.ii. 294

MILITARY DETAILS (A)

PERMANENTLY IN FORCE.

[And see FORTIFICATIONS AND MILITARY WORKS and MILITIA.]

I. Guard in Forts.

1682—Gunner and six able Men to be kept in each Fort,—to have convenient Houses, and be paid as agreed by Commander-in-Chief and Governor of Militia. [But as to Subsistence see GUNNERS, &c. III.]
No. 66. s. 2.i. 84

II. Standing Guards and Military Patroles.

1. 1704—Officers in turn to ride round, nightly, to Standing Guards, according to Regulation of Council of Officers. Captain of Verge may appoint Persons competent to the Duty, though not Officers, to ride in turn. Defaulter to forfeit 24s.
No. 134. s. 5.i. 170

2. Officer refusing to grant Warrant, to levy Fine, to forfeit 5l.
No. 134. s. 6.i. 171

3. Fines to go, half to Serjeant executing Warrant and half among Standing Guards.
No. 134. s. 7.i. 171

III. Guard-house.

1778—If Council of Officers order Standing Guards to be mounted in Towns, Guard-house to be hired, and Candles and Necessaries issued by Treasurer.
No. 390. s. 4.i. 449

MILITARY

IV. *Penalty for false Alarm.*

1793—Punishable by Court Martial, as in s. 45.
Art. 33.

No. 485. s. 37.....ii. 160

MILITARY DETAILS (B) IN FORCE
DURING MARTIAL LAW.I. *Requisition of Slaves.*

1.

1793—Commander-in-Chief may, with Advice of Council of War, employ all Slaves in throwing up Military or other Public Works.

No. 485. s. 47.ii. 177

2.

Number required; to bear Proportion to Number kept by Owner, and Number required from other Owners. All Owners to furnish Slaves at same time. Owner to have at least twenty-four Hours' Notice from Council of War; either *personally*; or *verbally to White*; or *in Writing to other Person*. Owner convicted, (after Cessation of Martial Law,) before Justices, of failing to furnish Number; to forfeit 5s. per Day for each Slave deficient.

No. 485. s. 48.ii. 178

II. *Strangers.*

In Alarms, and when Martial Law over fixed Inhabitants; Strangers not belonging to Army Navy, or Dockyard, are liable to Martial Law. Masters and Mariners to repair to Forts; other Strangers to act in Militia. [*And see MILITARY DETAILS, (C) II.*]

No. 485. s. 63.ii. 189

MILITARY DETAILS (C) IN FORCE
DURING ACTUAL WAR.I. *Limited Operation of II. etc.*

1756—Clauses from S. 43. to end of Act; [*digested below*]; in force only during Actual War.

No. 208. s. 42.i. 325

II. *Strangers.*

1.

Strangers, during Martial Law, subject to it.

No. 208. s. 43.i. 325

2.

On Governor's Requisition, Masters, Officers, and Mariners, *not of His Majesty's Ships of War*, to do Duty in Forts defending Harbours.

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1756—But no Mariner obliged to do Duty in any Fort but that defending Harbour where his Vessel lies: not more than Master or Mate and half the Crew at once;—*except* in Alarms, when Governor may order them as Militia.

No. 208. s. 44. 45.i. 325

III. *Owners and Planters.*

1.

Owner of Slaves; for every *fifty*, to keep provided Oznabrig or strong Linen Bag, to hold fifty Pounds of Biscuit, and Keg for five Gallons of Water; each marked with Owner's Name. To carry them, on Alarm, to Alarm-post. To shew them, twice a Year, on Requisition of Commandant of Verge. Penalty for failure, 10s. each Bag or Keg.

No. 208. s. 46.i. 326

2.

Housekeeper or Planter to deliver, annually, to Commandant of Verge, *on Oath*, particular List of White Inmates and White Servants above seven Years, *naming* each; Slaves, distinguishing Men Slaves, above eighteen and under forty; Horses and Mules, distinguishing Saddle and Draft; Horned Cattle; Carriages of every kind. Account to state distinctly such Proportion of ablest Men Slaves (Coachmen, Waggoners, Drivers, Carters, and three Domestic excepted) as will Amount to Twentieth of whole. Planter, on Alarms, to send Twentieth-part of Slaves to Alarm-post.

No. 208. s. 47.i. 327

3.

In Master's Absence, Chief Manager to make Return.

No. 208. s. 48.i. 328

4.

Planter to provide as many Saddle Horses or Mules, as, by Law, he sends Men to Militia. On Alarms, to deliver Horse or Mule saddled and bridled to each Man sent.

No. 208. s. 49.i. 328

IV. *Return by Militia Officers of Accounts under III.*

1.

Commandant of Verge to report, annually, to Colonel; and Colonel, to resident Chief Commander, Number of Bags and Kegs kept provided as in III. 1.

No. 208. s. 46.i. 326

4 A

Captain

546 MILITARY DETAILS (C) IV.

2.

1756—Captain of Verge to enter on Roll Accounts rendered to him under III. 2.; and deliver in fifteen Days after Order, fair Copy to Colonel. Colonel to cause Entry of all the Accounts on Roll; and to make Return, in forty Days from receiving Account, to resident Chief Commander.

No. 208. s. 49.i. 328

3.

Colonel to return to Commander-in-Chief Account of Horses, &c. found *surplus* in V. I.

No. 208. s. 51.i. 331

[And see VI. 1.]

V. Allotment of Horses—Abusing Horse.

1.

Colonel to convene, at least once every September, Commissioned-officers of Regiment to allot spare Horses sent under III. 4. Notice of Meeting. Written Memorandum of Allotment. Persons wanting spare Horses, to be supplied as in Clause. Person not delivering Horse or Mule as allotted; to forfeit 5*l*.

Person neglecting to appear at Alarm with, or maltreating, or not returning Horse or Mule; to be punished at Discretion of Court Martial.

No. 208. s. 49.i. 329

2.

Colonel, with Officers, may allot Coach and other Horses, or Cattle, to draw Field-pieces; Carts, &c. to carry Ammunition; and Slaves to attend them. Commander-in-Chief may alter Allotment.

No. 208. s. 50.i. 330

3.

Commander-in-Chief may take Horses allotted to Persons ordered to Garrison Duty, to mount Men in active Service.

No. 208. s. 58.i. 334

VI. Accoutrements provided by Treasurer.

Colonel to send Lists of spare Horses, &c. to Treasurer, who is to provide Pads, Stirrups, Bridles, Headstalls, and Halters, for Distribution to Owners,—to be kept for Public Use. Persons not shewing Accoutrements, if required, to Captain of Verge once in three

MILITARY DETAILS (C) VI.

Months; to forfeit 20*s*. per Set. Forfeiture, payable monthly till Production.

1756—Treasurer to resupply Accoutrements lost, damaged, or decayed in the Public Service.

No. 208. s. 52. 53.i. 331. 332

VII. Commissary.

[And see MILITIA XXXVIII. XXXIX.]

1.

Commander-in-Chief of *Leew*. I. to appoint COMMISSARY GENERAL; for Purchase of Ammunition, Provisions, and Rum to be mixed with Water; for Distribution as required by Commanding-officer of the King's Regiment, Commanding-officers of Militia, and Commandants of Forts.

No. 208. s. 54.i. 332

2.

Commissary may sell Provisions to prevent their spoiling, and purchase others. Commissary's Account, after Approbation of Council and Assembly, on Order of Commander-in-Chief, to be paid by Treasurer.

No. 208. s. 55.i. 333

3.

Commissary may impress Carts, Horses, Cattle, Slaves, for carrying Ammunition, Provisions, or Baggage, according to Directions of the Commanding-officers of the King's Regiment, Militia, and Forts respectively.

No. 208. s. 56.i. 333

VIII. Public Compensations.

1.

For Slaves, Horses, or Mules killed or hurt, supplied under III. 2. III. 4. V. 1. according to Appraisement, on Oath, by two Freeholders.

No. 208. s. 49.i. 330

2.

For Horses, Cattle, Carriages, &c. killed or injured, in Employment under V. 2. VII. 3: Damage to be appraised as in 1.

No. 208. s. 50.i. 331

3.

Damages to Individuals from Invasion; as appraised by two or more neighbouring Freeholders, to be made good by Treasury.

No. 208. s. 59.i. 334

IX.

IX. *Penalty for false Alarm.*

1756—Person in Harbour or on Shore making *false Alarms* by firing Great-guns between Sunset and Sunrise, without Governor's Order; to forfeit 20s. for each Gun fired. [*And see MILITARY DETAILS (A) IV.*]
No. 208. s. 57.i. 334

MILITIA.

[*And see MARTIAL LAW.*]

[*And see MILITARY DETAILS.*]

I. *Persons liable to serve—Division of Militia into Corps.*

1793—Every Man from fourteen to sixty-five to serve in Militia; *except* as in XXXIV. XXXV. XXXVI.

Militia to be formed into one Squadron of Dragoons; two Regiments and one Independent Company of Foot; and one Battalion of Artillery.

No. 485. s. 1.ii. 137

II. *Establishment of Officers—Commissions.*

[*And see XL. XLI. infra and COMMISSIONS, II.*]

1.

Establishment as in Order of Council of War.

No. 485. s. 6.ii. 140

Appendix, Order 9.ii. 202

2.

1803—Captain-General of *Leew.* I. may assume Command of Corps or Regiment of Militia as Colonel—though such Colonelcy not included in Establishment.

No. 574. s. 2.ii. 453

III. *Appointment of Members—Numerical Strength of Dragoons and Artillery.*

1.

1793—Foot. Every Man—not otherwise appointed—belongs to Corps in Verge of which he resides. [*And see IV. and VIII.*]

No. 485. s. 2.ii. 137

2.

1802—DRAGOONS. Maximum Strength of Squadron, 100 Non-commissioned-officers and Privates.

No. 560. s. 1.ii. 413

3.

1793—To be named by Commander-in-Chief of *Antigua*, and Council. Not more than one Dragoon from Plantation. Officer may recommend Members. No Dragoon to be appointed without his own Consent; appointed, not at liberty to remove to another Corps, unless promoted. May be fined though doing Duty in another Corps. But if unequal to Expense of Dragoons, and competent to Duty in Foot, may, on Application, or without, be discharged (Majority of Officers concurring) by Commanding-officer. To belong to Foot from Discharge. Adjutant of Dragoons to give Notice of Discharge to Adjutants of Foot.

No. 485. s. 2.ii. 137

4.

ARTILLERY. Battalion to consist of seventy-two Artillery-men; formed and maintained by Draughts from Foot. Draughts can be made only by Order of resident Chief Commander to Colonel. Commanding-officer of draughted Men may remonstrate. No Man can be removed to Artillery without his own Consent. Artillery-man, enrolled, cannot, without Leave of Commanding-officer, remove to another Corps.

No. 485. s. 3.ii. 138

IV. *Grenadier and Light Companies.*

Commanding-officer may form *Grenadier* and *Light* Company in each Foot Regiment; each Company to have Captain, two Lieutenants, and Non-commissioned-officers and Privates proportioned to Strength of Regiment. Grenadier and Light Companies, to wear distinct Uniform. No Man to serve in either, without his Consent. Removal to other Company, without Sanction of Commanding-officer, finable as Court Marshal shall determine. Officer conniving at such Removal, finable.

No. 485. s. 23.ii. 152

V. *Non-commissioned-officers.*

Non-commissioned-officers to serve two Years. Commanding-officer of each Corps to nominate Non-commissioned-officers according to Establishment. ESTABLISHMENT.

No. 485. s. 24.ii. 152

Appendix, Order 9.ii. 203

VI. *Artillery Under-services—Pioneers.*

1793—Commander-in-Chief of *Antigua* may appoint *Free Negroes, Mulattoes, and Persons not Whites*, to Under-services of Artillery, and as Pioneers to Militia; subject to Fine and Punishment, as Privates of Foot.

No. 485. s. 4.ii. 139

VII. *Attendants on Carbineers.*

1702—Officer of Carbineers to be attended with two armed Negro-men; Private, with one.

No. 131. s. 17.i. 167

VIII. *Regulations as to Residence.*

1.

1793—Non-commissioned-officer, or Private, removing from Verge of one *Company* to another; to transmit, before next Monthly Field-day, his Name to Officer of new Verge, demanding Certificate of Enrolment in his *Company*. Till Certificate of new Enrolment be sent to Officer of *Company* left; or Affidavit that Certificate was demanded and refused; Party removing deemed to belong to Verge left, and punishable for Non-attendance,—and, if in Limits of another Regiment, to do Duty in both Regiments. Officer refusing Certificate, to forfeit 50s.

No. 485. s. 25.ii. 153

2.

Non-commissioned-officer, or Private, not living in same Verge with his Family; to do Duty in Verge where himself resides.

No. 485. s. 26.ii. 153

IX. *Persons arriving.*

Person neglecting to enrol himself in Militia in three Months after Arrival, or to give-in his Name to Adjutant, when demanded; to forfeit 40s.

No. 485. s. 27.ii. 154

X. *Discharge from Militia.*

Officer, or Private, not superannuated, but incapable of Duty; may petition General of the Forces, Council and Assembly, for Discharge. Council and Assembly may with,—or, in his absence, without General,—order Petitioner's Discharge on Back of Petition. Discharge, not effective till shewn to Adjutant.

1793—Men discharged, to repair to Forts on Alarms.

No. 485. s. 5.ii. 140

XI. *Uniform—Colours—Arms and Accoutrements.*

1.

As to be appointed by Council of War.

No. 485. s. 6.ii. 140

2.

Uniform as in Order II. Vol. ii. Page 193

Hats,III. 198

Colours,IV. 198

Arms and Accoutrements, V. VI. 199

No. 485. Appendix, Order II. & seq.ii. 193

3.

1800—Commandant of Corps may propose, and Council of War adopt Alteration in Size and Quality of Arms.

No. 545. s. 10.ii. 366

XII. *Purchase of Ammunition and Military Articles.*

1793—Treasurer to purchase *Articles* directed for Use of Corps according to their Establishment. To be delivered, except Coats and Hats, to Order of Commanding-officer.

No. 485. s. 30.ii. 156

XIII. *Arms and Accoutrements of Servant—Horse for Servant.*

Arms and Accoutrements of Servant and Apprentice to be supplied by Employer. Servant living two Miles from Parade (EXCEPT Servant of Artificer, Handicraft, or Mechanic) to be furnished by Employer with Horse or Mule to go to Parade. If Servant, through not being so furnished incur, Fine for Non-attendance; Fine to be paid by Employer.

No. 485. s. 21.ii. 150

XIV. *Person unable to purchase Uniform.*

1.

To apply to Commanding-officer for Certificate, in order to be supplied by Treasurer with Coat and Hat.

No. 485. s. 31.ii. 157

2.

Uniform supplied by Treasurer not liable to Distress, nor subject to Debts.

No. 485. s. 32.ii. 158

XV.

XV. *Monthly Meetings for Exercise—Evolutions.*

1.

1793—Ordinary Meetings to be Monthly, on Day appointed by Council of War. Roll to be called at nine A. M. Corps not to be kept in the Field after twelve at Noon. Evolutions to be at Discretion of Commanding-officer in the Field.

No. 485. s. 7.ii. 141

2.

Days and Places of Meeting for each respective Corps.

No. 485, Appendix, Order VII. VIII...ii. 202

XVI. *Fine not to release from Continuance in the Field.*

Officer, Non-commissioned-officer, or Private, coming to Parade late, or improperly accounted; to join Corps and do Duty, *though liable to Fine*. Disobedience to Order to join Corps, punishable by Court Martial. If *Party join*; Commanding-officer, receiving satisfactory Excuse, may remit *Fine*.

No. 485. s. 8.ii. 141

XVII. *Fines.*

1.

1800—AMOUNT. Fines for *Absence*, or for *Not appearing in time*, or *Appearing irregularly accounted*,—on Field-days, or other Military Days, or at Alarms,—as in TABLE. [And see XX.]

No. 545. s. 9.ii. 366

2.

RECOVERY. Adjutant to take, with other Officers, Measures prescribed for Recovery of Fine from each Defaulter, or, where Master occasions Servant's Absence, from Master of Defaulter. Adjutant not to compound Fine.

No. 545. s. 2. 3. 4. 5. 6. 7. 8.ii. 359—365

3.

APPLICATION. Adjutant may charge ten *per Centum* Commission on Fines received. When Amount of Fines, deducting Commission, is less than Adjutant's Pay; Commanding-officer to give Order on Treasurer for Difference. When Amount exceeds Pay, Excess to be debited.

No. 545. s. 4.ii. 363

4.

1793—Treasurer, from Produce of Fines (and, if Fines deficient, out of Public Monies) to purchase Military Articles in Clause.

No. 485. s. 30.ii. 156

5.

HONORARY EXEMPTION. Captain-General acting as Colonel of Militia, exempt from Fines.

No. 485. s. 9.ii. 143

6.

EXEMPTION FOR INFIRMITY. *Bodily Infirmary*, certified by Oath of Absentee or credible White; the only Excuse for Non-attendance sufficient to exempt from Fine. If—after Remission of Fine through Certificate—*Forswearing* proved; punishable as wilful Perjury.

No. 485. s. 10.ii. 143

XVIII. *Penalty for accepting other Excuse for Non-attendance than that in XVII. 6.*

Commanding-officer accepting other Excuse for *Non-attendance* than that in preceding Article; to be brought to Court Martial.

No. 485. s. 11.ii. 144

XIX. *Salaries of Adjutants.*

Adjutants of *Blue Regiment*; *Red Regiment*; *Dragoons*; *Artillery*; 100*l.* annually, each. Adjutant of Independent Company, 50*l.* annually. To be paid by Treasurer half-yearly, on Certificate of Commanding-officer.

No. 485. s. 17.ii. 148

XX. *Fine of Adjutant.*

Adjutant not attending by nine A. M. armed and accounted according to the Regulations; to be fined 20*l.* Fine to be remitted on Certificate as in XVII. 6.

No. 485. s. 18.ii. 148

XXI. *Ammunition—Conveyance to Parade.*

1.

Adjutant to keep Corps supplied, with thirty-two Ball-cartridges, and three Flints *per Man*, for *Service*; sixteen Field-cartridges, six loose Balls, and two Flints *per Man*, for *Exercise*. Captains, &c. to notify to Adjutant what Ammunition

munition is expended, and demand Supply. Adjutant neglecting to make Issue, to be tried by Court Martial; and cashiered or fined. Captain not bringing Adjutant to Court Martial, or wasting Ammunition; to be himself brought to Court Martial. Commanding-officer to see Clause executed.

No. 485. s. 19.ii. 148

2.

1793—Captain to transport Ammunition to Alarm-post, for *Service*; or to Parade for *Exercise*; in Quantities in preceding Article. On Neglect, to be brought to Court Martial by Commanding-officer, and cashiered or fined.

No. 485. s. 20.ii. 150

XXII. Review.

Notice of Review to be given to Corps by its Commanding-officer, on preceding Field-day. Absentee to be fined double. [N.B. Double the Sum originally imposed by No. 475. s. 9. is tantamount to present ordinary Fine.]

No. 485. s. 22.ii. 151

XXIII. General annual Rendezvous.

1702—To take Place at *Boyer's Pasture* in *North Sound*. Prizes to be shot for. Fines then doubled.

No. 131. s. 8.i. 166

XXIV. Annual Return.

1793—Adjutant, on second Field-day after Publication of Act, and annually afterwards, to attend Commanding-officer with Return of Corps.

No. 485. s. 27.ii. 154

XXV. Carrying Arms to Parade.

If *Private* send Arms or Ammunition to Parade by Slave; White may seize such Arms, &c. from Slave, and deposit them with Justice, making Oath of Time and Cause of Seizure. Person making Seizure; to advertise Particulars, for three successive Weeks. Person claiming Arms in three Weeks; to receive them, on paying 30s. and Expense of advertising. Arms not claimed in three Weeks, or claimed and Fine not paid, to belong to Seizer.

No. 485. s. 28.ii. 155

XXVI. Detachments on Guard Duty.

1793 — Commanding-officer of Corps may order Detachments of Non-commissioned-officers and Privates to attend Courts Martial, guard Delinquents on Trial, or Arms, &c. Adjutant, on receiving Order particularising the Service, to summon. Individuals summoned, to be those resident nearest to Place of Duty. Not more than one from Plantation. Each to have at least twenty-four Hours' Notice. Defaulter to forfeit Fine treble that on Monthly Field-day under Act, s. 9.

No. 485. s. 29.ii. 156

XXVII. Military Duty Exemption from Arrest.

Person going to, or from, or being on Military Duty, exempt from Arrest; and Horse and Furniture, from Execution.

No. 485. s. 33.ii. 158

XXVIII. Military Instruction.

Commanding-officer of Corps may employ competent Person to instruct Officers and Men in Manual and Evolutions; and draw on Treasurer to pay Military Tutors not exceeding 16s. 6d. each Field-day.

No. 485. s. 34.ii. 158

XXIX. Six Field-days for Ball-firing.

Militia to fire at TARGET, with Ball, six Field-days each Year. Foot and Artillery to receive annually, from Treasurer, 13l. 4s. for Distribution among best Marksmen.

No. 485. s. 35.ii. 159

XXX. Council of War—Council of OFFICERS.

COUNCIL OF WAR to consist of Commander-in-Chief of *Antigua*, Field-officers of Militia, and Colonel of Forts.

COUNCIL OF OFFICERS to consist of said Commander-in-Chief, Field-officers and Captains of Militia, and Colonel of Forts.

Majority of *Members on the Island*, a Board. Members to have Notice of Meeting from Clerk.

No. 485. s. 36.ii. 159

XXXI.

XXXI. *Order for Alarm, and marching Militia.*

1793—Order by Commander-in-Chief of ANTIGUA, of his individual Authority, for making or discontinuing Alarm, and marching Militia; to be obeyed on Pain of Punishment by Court Martial.

No. 485. s. 37.....ii. 159

1796—No. 511. s. 14.....ii. 263

XXXII. *New Signals—New Military Posts.*

If Orders constitute new Signals, or change settled Military Posts; Sanction of Council of Officers is necessary.

No. 511. s. 14.....ii. 263

XXXIII. *Assembling Militia, when Martial Law partially in force—See MARTIAL LAW, II.*XXXIV. *Persons exempt from Militia at all Times.*

1.

1793—Deputy Secretary; Deputy Marshal; Treasurer; Registrar; Naval-officer; Collectors, Comptrollers, and Searchers of Customs; Deputy Postmaster-general; Master in Chancery; exempt from Military Duty on *Field-days*, and, if without Military Commissions, exempt on *Alarms*. Such as have not Military Commissions, to remain, on *Alarms*, in Charge of their Offices.

No. 485. s. 38.....ii. 160

2.

Powder-officer exempt; but to repair, on *Alarms*, to *James Fort*.

No. 485. s. 38.....ii. 160

XXXV. *Persons exempt from ordinary Meetings of Militia.*

Waiters of Customs from Attendance on *Field-days*: but, on *Alarms*, if named as Dragoons, to join that Corps armed, accoutred, and mounted,—other Waiters to join nearest Foot Militia armed and accoutred. Non-compliance, punishable by Court Martial.

No. 485. s. 38.....ii. 160

XXXVI. *Persons exempt from Militia, by other Military Duty.*

Aid-du-Camp of Captain-general; Officers

of Forts and Fortifications; Matrosses and Persons employed in Forts.

No. 485. s. 38.....ii. 160

s. 1.....ii. 137

XXXVII. *Ordinary Expenses of Militia.*

1793—Commanding-officer of Corps may draw on Treasurer for Expenses of apprehending and confining Delinquents; guarding Arms, &c. and for Expense of transporting Field-pieces not exceeding six, on *Field-days*, and repairing and purchasing Artillery Carriages and Horses.

No. 485. s. 40.....ii. 161

XXXVIII. *Provisions in Alarms.*

[And see MILITARY DETAILS (C) VII.]

On *Alarms*, if Provisions necessary,—Commanding-officer of Corps may purchase them. If not to be purchased, may take from neighbouring Plantation sufficient Cattle, &c. and draw on Treasurer for appraised Value. To regard *Economy* in purchasing Provisions; and take them in least oppressive Manner.

No. 485. s. 40.....ii. 161

XXXIX. *Embezzling or wasting Provisions.*

Officer, Store-keeper, or Commissary, misapplying or wasting Provisions; to make good Damage, and be dismissed or otherwise punished by Court Martial.

No. 485. s. 41.....ii. 162

XL. *Commissioned-officers—Regulation of Rank.*

1.

No Person to act as Commissioned-officer, without Commission proceeding from Commander-in-Chief of *Leew. I.* Disobedience to Officer acting without Commission not punishable.

No. 485. s. 42.....ii. 162

2.

Officer to take Oaths to Government, in six Months from receiving Commission. Officer, on receiving Commission, to produce it to Clerk of Council of Officers for Registry. No Rank from Commissions not entered. Clerk to enter Dates and Commissions; to produce his

his Book at Councils, &c. RANK to be regulated by Clerk's Book. Clerk, making false Entry, to be brought to General Court Martial, and dismissed or fined.
No. 485. s. 42.ii. 163

XLI. Officer reduced to Private—Officer cashiered.

1. 1793—Officer (not superannuated or disabled) resigning, or forfeiting Commission; to be considered as, and take Duty as Private.
No. 485. s. 43.ii. 164

2. No Commissioned-officer except Adjutant, can be cashiered but by General Court Martial.
No. 485. s. 62.ii. 188

XLII. Penalty on CIVIL OFFICERS not executing Act No. 485.

1. Justice of Peace, or Marshal, failing to execute Act; to forfeit 100*l.* Currency; half to Person suing, half to Treasury towards Militia.
No. 485. s. 65.ii. 189

2. Constable failing in Duty to forfeit 10*l.* applied as Penalty in preceding Article. If Penalty not paid, and Distress insufficient; Offender to be imprisoned.
No. 485. s. 65.ii. 189

XLIII. Fee for Levy.

Person executing Warrant for Levy of Fine imposed by Act; to retain 8 *per Cent.*, and reasonable Charges certified by Person issuing Warrant.
No. 485. s. 64.ii. 189

MISDEMEANOR AND TRESPASS CRIMINAL.

[*And see the various Titles.*]

I. *Selling Prior Lien Provisions—See SELLING PROVISIONS RECEIVED ON SECURITY OF SLAVES.*

II. *Illegal Dealings with Slaves—see SLAVES (C) VIII. 1. 2. 3.*

MISDEM. AND TRESPASS, III.

III. *Receiving or exporting Metal illegally—See STOLEN GOODS, II.*

IV. Fraudulent Alteration of certain Records.

1. 1692—Making false Entries, or falsifying Entries in Parish Register; punishable as falsifying Records by Law of *England* existing at time of Act. Forfeitures to go to Parochial Use.
No. 80. s. 15.i. 92

2. 1791—Forgery on Entry in *Book of Executions* kept by Provost Marshal; punishable as Forgery by *English Common Law*.
No. 475. s. 95.ii. 53

3. 1799—Alteration for Purpose of Deception, in Book kept by Treasurer, for recording Returns under *Annual Tax Act*; punishable as Forgery by *English Common Law*.
No. 539. s. 25.ii. 347

MONKSHILL FORT.

I. Use.

1. 1705—For Reception, in time of Invasion, of Women and Children, and of superannuated Men and others incapable of Military Duty, with their Papers, Books, and Effects, and for Books and Property generally.
No. 138. s. 3. 4.i. 176

2. Commander or other Person refusing Admission of Persons or Property; to pay Damage proved in Suit or Information.
No. 138. s. 5.i. 176

II. Habitations in Fort.

Surveyor General to lay out, within Fortifications, Ground for Building one hundred Houses for poorer Inhabitants. Remaining Land, free for Masters of Families to build on. Houses must be of Timber, and of Proportions specified. Occupier to acquire no Estate, in House or Ground, by Privilege of building or using.
No. 138. s. 7.i. 177

III. *Fort to be provisioned.*

- 1705—Treasurer, under Governor's Directions, to provision Fort.
No. 138. s. 8.i. 177

MORTGAGER FREEHOLDER.

Exempted from Arrest.

- 1791—Mortgager of Estate in FREEHOLDER, I. retains Exemption, *while in Possession*.
No. 475. s. 18.ii. 12

MORTGAGEE.

I. *Of Lease.*

- 1789—Mortgagee of Lease, *not in Possession*, paying,—in six Months after Lessee has suffered Ejectment for Rent,—Arrears, Costs and Damages; not barred of Right.
No. 463. s. 10.i. 567

II. *Infant Mortgagee—see INFANT TRUSTEE OR MORTGAGEE.*

MOTIONS IN COURT.

Notice.

- 1791—Notice of all Motions (except Motions of Course) to be given four Days exclusive of Court Day;—unless Obstacle, not arising with Party, appear to Court. If Motion not made or refused, Costs to be paid.
No. 475. s. 81.ii. 46

NAVAL OFFICER.

Powers and Duty.

1.

- 1702—Not to clear Vessel incurring Fine by throwing Ballast into Harbour, till Fine paid.
No. 126. s. 13.i. 139

2.

- 1773—Not to clear Vessel without Certificate, from Collector, of Payment of Powder Duty.
No. 348. s. 7.i. 421

VOL. II.

3.

- 1790—To demand and receive Certificate, that Master and Supercargo have complied with *Transient Tax Act*, before giving Clearance outwards. To file Certificate; Fee 4s. 1½d. Giving Clearance without receiving Certificate; to forfeit 100l.
No. 469. s. 5.i. 577
1799—No. 536. s. 8.ii. 323

4.

- 1790—Certificate in 3. not necessary from Master of Drougher, or Passage-boat; or *Spanish Launch*, or Vessel trading from *Spanish Dominions* by Permission. Cargo in latter, exempted from *Transient Tax*.
No. 469. s. 6.i. 577

OATH.

[*And see the various Titles.*]

I. *Affirmation of Quaker in Civil Causes—*
See AFFIRMATION.

Oath of Slave.

- 1798—Admissible, against Slave.
No. 527. s. 4.ii. 297

OFFICER EXECUTING JUSTICE'S WARRANT.

[*And see the various Titles.*]

I. *Protected from vexatious Suits.*

- 1803—With Limitations in JUSTICE OF PEACE I. Officer may be sued for executing Warrant irregularly issued, jointly with Justice. Costs, in case of Verdict for Plaintiff, to be paid by Justice.
No. 572, Appendix, s. 6. 8.ii. 448

PARISHES.

I. *Names and Limits.*

As in Clauses.

- 1692—No. 80. s. 20.i. 93
1725—No. 184. s. 3. 6.i. 245. 247

II. *Vestries, etc.—see PAROCHIAL AFFAIRS.*

4 B

PAROCHIAL

PAROCHIAL AFFAIRS.

[N. B. Acts having passed relating exclusively to St. John's Parish; the Digest under this Head is adapted for St. Paul's, St. Philip's, St. Peter's, St. George's, and St. Mary's, as affected by one System of Law. Respecting St. John's, see ST. JOHN (B)].

I. Election of Vestrymen and Churchwardens.

1.

1692—Justices of Parish, or adjoining Parish, to issue, yearly, Warrants to Constables to summon Freeholders,—on first *Tuesday* in *January*, or one of eight following Days,—to elect twelve Vestrymen, including Minister. Vestrymen to chuse two Churchwardens from themselves.

No. 80. s. 1. 2.i. 89

2.

Freeholder not attending; to forfeit 3s.
No. 80. s. 3.i. 89

I. Election of Townwardens.

1702—Vestry to elect Townwardens as in TOWNS V. Vestry to direct Disbursements of Assessment made by Townwardens.

No. 136. s. 11. 16.i. 138. 139

III. Vestryman, or Churchwarden failing to act.

1.

1692—VESTRYMAN not attending Summons of Minister and Churchwardens, to forfeit 5s. Refusing to serve, to forfeit 5*l*.

No. 80. s. 5. 6.i. 89. 90

2.

CHURCHWARDEN refusing to serve, to forfeit 5*l*. Vestry to proceed to new Election.

No. 80. s. 10.i. 90

IV. Appointment of Parish Rate—Publication.

1.

Majority of Vestry may levy Tax for Parish Purposes.

No. 80. s. 4.i. 89

2.

1783—Vestry on or before every 1st. *February* to appoint Parish Tax. Churchwardens to post on Church Door, on or before second *Sunday*

PAROCHIAL AFFAIRS, IV.

after Tax settled, *Roll* stating Sum at which each Person is rated.

No. 418. s. 1.i. 484

V. Recovery of Rate.

1.

1783—Person not paying Tax in *Month* after *Roll* is posted, to be served with Summons from Justices to shew cause why Levy should not issue. Copy of Summons served personally, or left at Abode, or, in case of Absence from Island, with Overseer or at Dwelling-house; sufficient.

No. 418. s. 2.i. 484

1799—No. 536. s. 1. 2.ii. 319

2.

1783—On Person summoned failing to shew Cause, Justices, on Application of Churchwardens, to cause Levy on Defaulter's Slaves, Cattle, and Goods, by Warrant to *Provost Marshal*.

No. 418. s. 3.i. 484

1799—No. 536. s. 3.ii. 320

3.

1783—*Marshal*, in six Days after Distress, to proceed to Sale by Outcry. Marshal's Fees, as for levying Public Taxes. Marshal to pay Balance to Churchwardens. Failing in Duty, to forfeit 50*l*.

No. 418. s. 4.ii. 484

1799—No. 536. s. 3.ii. 320

4.

1692—Debtor for Rate, having nothing in the Parish, may be distrained on in another Parish.

No. 80. s. 12.i. 91

5.

Persons aggrieved, may appeal to Justices of K. B. and Grand Sessions at Sitting next after Tax Roll posted. Justices may redress unjust Levy, or unequal Taxation. No further Appeal.

No. 80. s. 13.i. 91

1783—No. 418. s. 6.i. 485

6.

1783—Churchwardens not applying for Summons and Warrant in three Months from raising Tax; and Justices not issuing Summons or Warrant in three Days; to forfeit 50*l*.

No. 418. s. 5.i. 485

7.

1799—In Warrant for Levy,—to state Sum or Sums due, whether for Taxes, or Arrears; and to authorize Marshal to levy according to "*An Act*"

"Act for more easily recovering Parish Taxes,"
—without further Recital or Statement; will
be sufficient.

No. 536. s. 6.ii. 322

8.

1799—Parish Taxes, Charge on Defaulter's Goods,
Slaves, Lands, Houses, Rents, and Annuities,
—from Commencement of Debt till Payment,
—against Persons to whom such Estates may
pass. Representative of deceased Defaulter to
pay Parish Taxes prior to other Demands,
except Debts to the Crown or the Public. If
Personalty of deceased insufficient; his Slaves
and real Property to be levied-on by Marshal
under Justice's Warrant as in Defaulter's Life-
time.

No. 536. s. 4.ii. 320

VI. Conditional Abatement in Rate.

When Order of Vestry allows Abatement of
Tax, on Payment in Money by limited Time,
Churchwardens may abate as allowed:—but,
after Time expired, whole Sum must be paid.

No. 536. s. 5.ii. 321

VII. Churchwardens' Account.

1692—Acting Churchwarden to account to Vestry
for Receipts and Disbursements, when required,
not exceeding twice a Year.

No. 80. s. 10.i. 90

VIII. Parish Register.

1.

Churchwardens to provide REGISTER for
Births, -Marriages, and Burials. Heads of
Families to give Notice. Minister, and, in
his Absence, Churchwardens to make Entries.
Fee 9d. per Entry; Copy, 18d.

No. 80. s. 14.i. 91

2.

Parish Register, a Record. Making false
Entries, or falsifying Entries; punishable as
falsifying Records by Law of England, exist-
ing at time of Act. Penalties, to Parochial
Use.

No. 80. s. 15.i. 92

IX. Parish Minister—see BENEFICED CLERGYMAN.

X. Ponds.

Parish charged with repairing Inclosures of
Common Ponds, and providing Troughs—see
PONDS I. 14. 15.

PATENT FOR LAND.

I. Registry.

1668—Patent to be recorded at length in Registrar's
Office.

No. 5. s. 2.i. 47

II. Patent of Wharf—see WHARF, I. etc.

PAYMENT IN GOODS.

[And see TENDER and COURT (F) V.]

I. Assessment of Price in Damages.

1791—In settling Damages on Action for Goods
not paid according to Stipulation,—PRODUCE
OF ANTIGUA to be assessed by Jury, at Price
current when Payment became due, unless Con-
tract specified particular Price or Ready-money
Price, in which Case assessed Value to be
governed by Contract.

No. 475. s. 75.ii. 43

II. Assessment under Execution.

When Parties cannot agree, as to Price of
Produce of Antigua taken in Execution;
Chief acting Judge, on Plaintiff's Application,
to issue Warrant for Defendant to appear in
four Days and nominate two Appraisers,—to
be joined with two Appraisers of Plaintiff
and Umpire named by Judge. If Defendant
fail in Nomination; Plaintiff's two Appraisers
and Judge's Umpire to act. Appraisers and
Umpire to take OATH. Provost Marshal to
return Appraisement into Secretary's Office.
in three Days. Appraisers, or Umpire, neg-
lecting; to forfeit 50l. If no Appraisement,
new Warrant may be issued.

No. 475. s. 108. 109.ii. 59. 61

PAYMENT IN MONEY.

I. Agreement for Gold or Silver, or Sterling.

1.

1791—On Proof of Agreement so to pay,—JURY
to find Verdict for Gold or Silver, or for Ster-
ling Money, and settle Rate of Exchange;
allowing Interest lawfully payable under Con-
tract; if no Interest reserved, five per Cent.

4 B 2

from

556 PAYMENT IN MONEY, I.

from stipulated Day of Payment. Judgment and Execution to express the particular Specie to be levied for, and distinguish the Principal and Interest. Latter to run till Levy. Marshal to advertise Sale to be for Gold or Silver, and not to receive other Money.

No. 475. s. 72. ii. 41
[And see BOND III.]

II. *Assessment of Price of Goods.*

1791—In settling Damages on Action for Goods not *paid-for* on stipulated Day,—Price of PRODUCE OF ANTIGUA to be assessed by Jury on Principle in PAYMENT IN GOODS, I.

No. 475. s. 75. ii. 43

PAYMENT OF MONEY INTO COURT.

II. *Action against Justice for official Act.*

1803—Justice, sued for *official Act* as in JUSTICE OF PEACE I. may, with Leave of the Court, before Issue joined, pay Money into Court,—which shall have effect as Payment by Permission in other Cases.

No. 572, Appendix, s. 4. ii. 448

II. *Ejectment for Rent.*

1789—If Defendant pay into Court Arrears and Costs; Proceedings to cease.

No. 463. s. 11. i. 568

PENALTIES.

II. *General Clauses of Recovery and Application.*

Penalties for which *particular* Modes of Recovery and Application are not specified in the Acts of which the following Clauses are Portions; to be recovered and applied as in the following Clauses respectively.

Leew. I. No. 36. s. 40. i. 36

52. i. 43

No. 126. s. 40. i. 145

No. 130. s. 21. i. 163

No. 137. s. 10. i. 174

No. 153. s. 20. i. 187

No. 176. s. 39. i. 229

No. 194. s. 9. i. 277

PENALTIES, I.

No. 212. s. 14. i. 344

No. 425. s. 26. i. 502

No. 428. s. 17. i. 515

No. 456. s. 13. i. 550

No. 533. s. 14. ii. 315

No. 538. s. 16. ii. 333

No. 539. s. 27. ii. 348

II. *General Clauses directing Application simply.*

Penalties for which other Modes of Application are not specified in the Acts of which the following Clauses are Portions; to be applied as in the following Clauses.

No. 176. s. 22. i. 224

No. 475. s. 222. ii. 119

No. 542. s. 9. ii. 356

III. *Fines imposed by C. P. and K. B.*

To be collected by Marshal, and annually, or oftener, if required by Treasurer or Committee of Public Accounts, paid to Treasurer, with Deduction in IV. 2.

No. 475. s. 220. ii. 119

IV. *Specific Application of Fines in III.*

1.

1791—After legal Deductions, to be applied first to incident Charges of Court; Remainder towards Fortifications.

No. 475. s. 221. ii. 119

2.

Marshal to be allowed 5*l.* *per Centum* on what, after Collection, he pays without Suit.

No. 475. s. 223. ii. 119

V. *Civil Officers failing to execute Acts.*

[And see the various Titles.]

1.

No. 176. Justice of Peace, Provost Marshal, or Constable, failing to execute Act; to forfeit 20*l.*

No. 176. s. 38. i. 229

2.

No. 485. Justice of Peace, or Provost Marshal, failing to execute Act; to forfeit 100*l.*;—Constable, 10*l.*

No. 485. s. 65. ii. 189

PENSIONS

PENSIONS AND PUBLIC ANNUITIES (A) FIXED IN AMOUNT.

I. *Annuity to Hon. Edward Byam.*

1795—Treasurer to pay Hon. *Edward Byam*, Annuity of 600*l.*, Currency; to commence 1st *May*, 1795, and continue during said *E. Byam's* Presidency. PROVISOR.
No. 502. s. 1.ii. 240

II. *Annuities to Lord Lavington, or resident Commander-in-Chief.*

1.

1801—LORD LAVINGTON. Annuity of 1000*l.* Currency, in Quarterly Portions, commencing 14. *Feb.* 1801; to be paid to his Excellency, while Captain-General of *Leew. I.*
No. 552. s. 1.ii. 384

2.

RESIDENT COMMANDER. Annuity of 300*l.* *max.* payable, as Annuity in 1., to Lord *Lavington*, or, in his Absence from Government, to Commander-in-Chief of *ANTIGUA*,—for Expenses of Habitation, till Government House built in *Antigua*.
No. 552. s. 2.ii. 385

3.

Further Annuity of 700*l.*, payable, as Annuity in 1. to Lord *Lavington*, or, in his Absence, to temporary Commander of *LEEW. I.* during his Government and actual Residence in *ANTIGUA*.
No. 552. s. 3.ii. 385

4.

FUNDS. Annuities to be paid by Treasurer from Revenue arising from Taxes or Penalties for Deficiency of White Servants. [See *WHITE SERVANTS*, &c. IV. V.] and from Duties or Fines on Retailers of Rum. [See *TAXES (E) and TAXES (F).*]

If Funds insufficient, from general Monies in Treasury.
No. 552. s. 4.ii. 385

[And see *BUILDINGS (PUBLIC) 3.*]

PENSIONS AND PUBLIC ANNUITIES (B) CONTINGENT.

I. *Soldier (regular) and Family.*

1689—Soldier wounded in Defence of the Island, to be supported, under Cure, at Public Expense; if disabled, to have annually, during Life, 3000*lb.* of Sugar. Widow of Slain to have same Allowance, and Children, Support at Public Charge.
No. 78. s. 1.i. 87

II. *Militia-man and Family.*

1.

1796—Militia-man dependent on Labor,—wounded so as to diminish his Livelihood; to receive Maintenance from Treasury at Rate of 70*l.* *min.* annually.
No. 507. s. 1.ii. 244

2.

Unprovided *Widow* of Militia-man slain; to receive 40*l.* *min.* annually, during her Widowhood. *Children* entitled, each, to Maintenance at Rate of 20*l.* *min.* annually, till fourteen.

No. 507. s. 2.ii. 244

3.

Person wounded, desirous of Pension; to petition Council and Assembly. Petition to state Service in which Wound was received, and have, annexed, Report of Surgeons on Wound; and to state Petitioner's Income. If Houses consider Petitioner entitled,—Treasurer to pay him, under their Direction, 70*l.* *min.* annually.

No. 507. s. 3.ii. 244

4.

Widow of Person slain, to petition Council and Assembly for herself and Children. Petition to state her Husband's Station in Militia. Certificate of Commanding-officer must be annexed. If Houses sanction Claim; Treasurer, under their Direction, to pay Widow 40*l.* *min.* and each Child, 20*l.* *min.* annually. Where Mother dead, Guardian to apply for Children.

No. 507. s. 4.ii. 245

PERJURY.

PERJURY.

[And see WITNESS, V. 7. and the various Titles.]

False Accounts to Collectors of Taxes.

1.

1788—False Account of Rum sold by Retail; punishable as wilful Perjury.

No. 456. s. 8.i. 548

2.

1790—False Account of Sales of Goods paying Duty under Transient Tax Act.

No. 469. s. 7.i. 578

PILOT.

I. *Regulations on Branch Pilot.*

1.

1797—Branch Pilot to paint the Words "*Pilot Boat*," with Name of Boat, on Stern; under Penalty of 10*l*.

No. 521. s. 7.ii. 284

2.

Branch Pilot refusing to pilot-in Vessel; or passing *Vessel with Signal* without offering to pilot her in; or refusing to pilot-out Vessel; to forfeit 5*l. min.* 50*l. max.*

No. 521. s. 6.ii. 284

3.

Branch Pilot convicted, before President and two Members of Council, of habitual Drunkenness, gross Negligence, or Deficiency in Skill; incapacitated till licensed anew. Acting without fresh Branch or Reversal of Conviction; to forfeit 100*l*.

No. 521. s. 9.ii. 284

II. *Privileges of Branch Pilot—Piloting-in.*

1.

First SWORN LICENSED PILOT offering to take Vessel into *St. John's Harbour*, whether accepted or not, to be paid: *provided* his Service be offered, to Vessel coming from the NORTHWARD, before Vessel get within *Boon's Point*, and pass *North Reef* and *Diamond Shoals*; and be offered to Vessel coming from

PILOT, II.

the SOUTHWARD before Vessel pass *Valley Church Bay*, and get within *Nine Feet Bank*.

1797—On Complaint on Oath, of Master's Refusal to pay, after Tender of Service within limited Distance; Magistrate to bring Master by Warrant before him; and, commit him, convicted, till he pay Pilot's Fee and Charges of Proceedings.

No. 521. s. 2.ii. 282

2.

First SWORN LICENSED PILOT offering to take Vessel into *Parham Harbour*; to be paid: *provided* his Service be offered before Vessel pass the End of *Great Bird Island*. Payment to be recovered as in II. 1. *supra*.

No. 521. s. 3.ii. 283

III. *Privileges of Branch Pilot—Piloting-out.*

1.

HARBOUR GENERALLY. If Master employ Person to carry-out Vessel; to employ Branch Pilot.

No. 521. s. 4.ii. 283

2.

1804—ST. JOHN'S HARBOUR. When *Branch Pilot* has brought Vessel into *St. John's Harbour*; Master, if he employs any, to employ same Pilot out: *provided* Pilot boarded, on coming-in, without the Limits in II. 1.; and *provided* Pilot be ready, on twelve Hours' Notice, which Master is to give.

Master not giving Notice, and employing other Pilot, under preceding Circumstances; to forfeit 5*l. min.* 10*l. max.* recoverable, on Conviction before Justices, till eighteen Months after. On Non-payment, Master to be imprisoned.

No. 579. s. 2.ii. 465

IV. *Restraints on Pilot without Branch.*

1.

1797—Person without *Branch* piloting-in, not to be paid; if Branch Pilot offered his Service before Vessel passed Limits: though should Service of Branch Pilot be refused, other Pilot to be paid.

No. 521. s. 8.ii. 284

2.

Person not Branch Pilot, carrying out Vessel for Reward; to forfeit 10*l*.

No. 521. s. 5.ii. 283

V.

PILOT, V.

V. Rates of Pilotage-in.

1.
1797—ST. JOHN'S. Into *St. John's* Harbour simply; as in Clause.
No. 521. s. 1.ii. 281
2.
Into *St. John's* Harbour from stated Points on the Coast; as in Clause.
No. 521. s. 2.ii. 281
3.
PARHAM. Into *Parham* Harbour simply; as in Clause.
No. 521. s. 3.ii. 282
4.
Into *Parham* Harbour from Point stated; as in Clause.
No. 521. s. 3.ii. 283

VI. Rates of Pilotage-out.

- As in Clause.
No. 521. s. 4.ii. 283

PLEADING (GENERAL).

I. Number of Pleas.

- 1791—Several Pleas, not exceeding three, may be pleaded by Leave of the Court. But not in Penal Action, nor to Prosecution or Indictment for Treason, Felony, or Murder.
No. 475. s. 35.ii. 22

II. Signature of Counsel.

- Pleadings to be signed by Counsel.
No. 475. s. 43.ii. 26

III. Time for Pleading—see PRACTICE (GENERAL) and (PARTICULAR).

PLEADING (PARTICULAR).

[And see COURT (F) III. 5. and COURT (D) VIII. etc.]

I. Declaration on Bail-bond.

- 1791—Without reciting Assignment of Bail-bond from Marshal to Plaintiff,—Plaintiff may de-

PLEADING (PARTICULAR) I. 559

clare as Assignee of—(or as Executor or Administrator of [*Insert Testator's or Intestate's Name*] Assignee of)—[*Insert the Marshal's Name*] now [*or late*] Marshal.
No. 475. s. 19.ii. 13

II. Declaration on Promissory Note.

- 1791—To correspond, as nearly as convenient, to Form used in *England*.
No. 475. s. 32.ii. 20

III. Declaration in Ejectment on Title.

Ejectment for *Land and Tenements* may be brought in feigned Name, shaped after C. P. Process at *Westminster*. *Slaves and Plantation Stock*, when on Estate; to be included, and not recoverable in separate Action.
No. 475. s. 30.ii. 19

IV. Declaration in Action on Prior Lien.

- 1798—Not to mention other Cause of Action than Sale and Delivery of Provisions.
Leew. I. No. 36. s. 45.i. 40

V. Assignment of Breaches of Covenant.

- 1791—Plaintiff may assign as many Breaches as advised. [See DAMAGES, I. 2.]
Where Judgment by Demurrer, or Confession, or Default; Plaintiff may suggest on the *Roll* as many Breaches as advised. [See PRACTICE (PARTICULAR) III.]
No. 475. s. 33.ii. 21

VI. Plea disclaiming Trespass.

- 1718—If Trespass were involuntary, Plea disclaiming Title to Land, and previous Tender of Amends,—or Plea that Trespass was involuntary, and previous Tender of Amends,—may be pleaded.
If *Issue for Defendant*, or *Nonsuit*; Action and future Actions, barred.
No. 163. s. 15.i. 198

VII. Plea in Abatement of Arrest.

- 1791—Defendant to plead that he is a Freeholder, and shew his particular Estate. Plaintiff may, in Replication, deny Plea, or plead specially,—or demur,—as advised;—in Replication, the general Rules of Pleading to be observed.
No. 475. s. 17.ii. 12

VIII.

VIII. *Plea to Action on Bond.*

1791—In Action on Bond, (or Bill Penal,) to recover less Sum than Penalty,—Defendant may plead Payment of Money mentioned in Condition, *generally*; and need not plead it precisely on or before the Day. [And see PRACTICE (PARTICULAR) IV.]

No. 475. s. 38.ii. 23

IX. *Plea of Payment after Judgment.*

PAYMENT AFTER JUDGMENT may be pleaded to *Scire Facias* or *Debt on Judgment*. [And see PRACTICE (PARTICULAR) V.]

No. 475. s. 39.ii. 23

X. *Riens per descent.*

In Action of Debt on Specialty, Heir may plead *Riens per descent*,—Plaintiff may reply that Heir had Lands from his Ancestor before Writ brought, or Bill filed. [And see PRACTICE (PARTICULAR) VI.]

No. 475, Appendix I. s. 6.ii. 123

PONDS.

I. *Common Ponds.*

1702—APPOINTMENT OF COMMISSIONERS. Governor to appoint, annually, *five Commissioners of Ponds*, for each Precinct. Commissioners to be SWORN.

No. 129. s. 3. 5.i. 152, 153

COMMISSIONERS' POWERS. [And see II. 2. 4.] Three Commissioners may allot Tracts for Ponds.

No. 129 s. 3.i. 153

Two Ponds, *max.* to Division. Land for Pond and Path, not to exceed four Acres. Distance of Pond from common Path not to exceed ten Chains.

No. 129. s. 4.i. 153

Commissioners to return, into Registrar's Office, Certificate of Land taken-up for Pond, stating *Particulars*. To regard Situation in valuing Land, and, where Pond already dug, add to Price Charge of Digging. On Payment

PONDS, I.

by Treasury, Record of Certificate, and Inclosure as in 6.; Ponds to become Public.

No. 129. s. 9.i. 154

5.

1702—Pond already dug; not to be made Public to Aggrievance of Owner, *except* suitable Ground contiguous cannot be obtained.

Without Owner's Consent, no new Pond to be dug in Plantation watered with Pond already.

No. 129. s. 10. 18.i. 155. 157

6.

Each Pond, with Way on each Side from common Path; to be inclosed, at Public Charge, with Posts and Rails staked and wattled, according to Commissioners' Direction. [And see 14. 15. 16.]

No. 129. s. 8.i. 154

7.

Commissioners may summon, by Warrant to Constable, Freeholders and Owners to send *THIRD* of Slaves, with Implements, to *dig and work* on Ponds.

No. 129. s. 5.i. 153

8.

SIXTH of Slaves sufficient to be summoned to *cleanse* Ponds.

No. 129. s. 16.i. 156

9.

Slaves not to work out of Division,—*except* Commissioners judge necessary, and then in next Division.

No. 129. s. 6.i. 153

10.

1797—Person refusing to send Slaves after Notice; to forfeit *5s. per Day*, for each Slave wanting, leviable under Justice's Warrant.

No. 517. s. 2.ii. 270

11.

1702—Master, by himself or Overseer, to superintend Slaves; under Penalty of Presentment, and Forfeiture of *40s.* each Default.

No. 129. s. 15.i. 156

12.

Commissioners may agree with Agents to take Account of Slaves' Work.

Agent to render Account on Oath, if required, or forfeit Sum due to him. Sum certified due, to be paid from Treasury.

No. 129. s. 17.i. 156

COMPENSATION

13.

1797—COMPENSATION TO MASTERS. Master to be paid for Slaves, 2s. *per* Day each.

No. 517. s. 3.ii. 27

14.

1702—REPAIR OF INCLOSURES. Churchwardens to repair Inclosures,—and provide, and maintain three Troughs to each Pond in Parish.

No. 129. s. 11.i. 155

15.

Vestries may raise annual Tax for Repairs.

No. 129. s. 12.i. 155

16.

Person breaking Inclosures, to be committed to Jail till Repair of Fence, and Reparation to Owner of Plantation.

No. 129. s. 13.i. 155

II. *Body Ponds.*

1.

1721—EXTENT. That Part only of *Freshwater Gutt* beginning between Lands (at time of Act) of *Main Swete* and *Edward Ragg*, in *St. John's* and *Falmouth* Divisions, and extending, in the common Channel, to Lands then of *Edward Warner*, *John Sampson*, and *John Tomlinson*, where the third or little Pond disembogues into the Gutt; to be deemed BODY PONDS.

No. 172. s. 4.i. 208

2.

Body Ponds; Public Ponds, under same Commissioners of Division and Regulations as other Ponds.

No. 172. s. 2.i. 207

3.

Marshal, under acting Governor's Precept, to summon Jury to lay-out convenient Paths from Highways to Ponds. Surveyor or Surveyors to assist Jurors. Return to be filed in Registrar's and Secretary's Offices. Charges to be borne by the Public.

Such Paths; Public Paths.

No. 172. s. 3.i. 208

4.

Commissioners for *St. John's* Precinct, may enlarge *Body Ponds*; and fall Trees, to form Watering Places.

No. 172. s. 7.i. 209

5.

Owner or Occupier, cutting or burning down Trees or Underwood within thirty Feet of said

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Ponds; liable on Indictment, to Fine. Stranger, cutting or burning Trees; liable to same Punishment. Owner not discovering in three Months, and prosecuting Offender; to be deemed Offender.]

No. 172. s. 5.i. 208

6.

1721—Land or Timber, lost or rendered useless by Act; to be paid-for by the Public, after Appraisement.

No. 172. s. 6.i. 209

7.

Person poisoning said Waters; liable, on Indictment found, to Fine of 200*l.* *max.*

No. 172. s. 8.i. 209

PORTERS, JOBBERS, AND WATERMEN.

I. *Slave to be licensed and wear Badge.*

1.

1800—No Slave to ply as Porter, Jobber, or Waterman, without License from Owner or Renter, annually renewed. Secretary to provide printed Licenses. FORM of License. Secretary, having numbered and filed License; to deliver to Slave, *Badge*, with Number corresponding to License, to be worn conspicuously. Secretary's Fee, *Spanish* milled Dollar. [*And see IV. infra.*]

No. 546. s. 1.ii. 368

1803—No. 570. s. 3.ii. 442

2.

1800—No Slave to ply in Boat without Badge.

No. 546. s. 8.ii. 372

3.

Slave Porter, Jobber, or Waterman, without Badge; may be committed as Runaway. Reward as for taking Runaway. [*See SLAVES (D) VII. 1. with REWARDS (A) II. 1. 2. 3.*]

No. 546. s. 2.ii. 369

II. *Fares for Jobbing and Portage.*

For JOBBING; Slave to be paid 5s. *per* Day; in Proportion, for Part of a Day.

For CARRYING LETTER, PARCEL OR LOAD not exceeding three Miles from *St. John*, 1s. 6*d.*; more than three, not exceeding six Miles, 3s.; greater Distance in *Antigua*, 5s.

No. 546. s. 3.ii. 369

4 C

III.

III. *Penalty for Slave's Irregularities.*

1.
1800—ON SLAVE. Licensed Slave refusing to act in his Capacity, or requiring exorbitant Hire; may be carried before Justice for corporal Punishment.
No. 546. s. 4.ii. 369

2.
ON OWNER. Owner liable to answer for licensed Slave's Thefts or Abuses, to extent of 5*l*.
No. 546. s. 7.ii. 372

IV. *Flat, Bum-boat, or Huckster-boat.*

Owner of Boat, plying in *St. John's* Harbour, (*Except* Boat belong to registered Vessel, or Owner be Merchant, in which Case see VESSEL II. 1. 2.) to appear before Harbour-master; who shall register Owner's Name and Number of Boat, for Fee of 8*s*. 3*d*.—Owner to paint his Name, and Number of Boat on Stern. [*And see* VESSEL II. 4. & seq. 11. & seq.]
No. 546. s. 8.ii. 372

V. *Boat Fares.*

1.
Holder of Boat can demand as much as following Fares,—unless Agreement previously made.

For carrying, in *Boat with two Oars*, Person or Thing to Vessel at Anchor within a Line drawn South from West End of *Rat Island* Causeway to *Boon's* or *Hatton's Point* on opposite Shore; QUARTER DOLLAR.

—To Vessel within a Line drawn South from Flag-staff of Fort *James* to opposite Shore; HALF DOLLAR.

—To Vessel across the Bar; DOLLAR—*Four Oars*, double Prices.
No. 546. s. 9.ii. 373

2.
ADDITIONAL FARE for Detention more than half an Hour; Quarter-dollar *per* Hour.
No. 546. s. 9.ii. 373

POUND AND POUNDKEEPER.

[*And see* TRESPASS BY CATTLE.]

I. *Erection of Pounds—Number—Materials—Dimensions—Scite.*

1740—Public Pound to be built in Parish without one, except *St. John's*.

1740—Two, in *St. John's*.

Of Stone and Lime. Twenty Feet in the clear. Wall, six Feet high and two thick. Plank Door, secured by Lock.

Single Pound, to stand near Centre of Parish. The two in *St. John's*, in convenient Places, adjacent to Highway, but distant from Dwelling-house ten Chains, *min*. Land to be selected by Justice and two Freeholders.

No. 193. s. 2.i. 267

II. *Reparation of Pounds—Reërection.*

1.
Justice in each Parish authorised, as Occasion requires, to repair or rebuild Pound; and to contract for or impress Workmen, Slaves, Cattle, Carriages.

No. 193. s. 3.i. 267

2.
Labour and Materials, certified by Justice, to be paid-for from Treasury.

No. 193. s. 4.i. 267

3.
Person employed on Public Pounds may take Stones lying on Surface of the Earth in adjacent Plantation, except Stones from Quarries, or where Canes not six Months old. To fetch Stones by Slaves, not Carts. Damage to be compensated.

No. 193. s. 5.i. 268

4.
Where no acting Justice in Parish, Justice of other Parish may execute Act.

No. 193. s. 10.i. 270

III. *Appointment of Poundkeeper.*

Vestry to chuse Poundkeeper. Entry of Election, to be made in Parish Book. Certificate of Churchwarden or Parish-clerk, for Fee of 1*s*. 6*d*. paid by Poundkeeper; Warrant to Act.

On death of Poundkeeper, Executor or Constable to act till new Nomination.

No. 193. s. 6.i. 268

IV. *Poundkeeper's Duty—Provision for Cattle.*

1.
1697—To feed and water Stock impounded, for forty-eight Hours; under Penalty of double Value of Beast dying for Want.

No. 97. s. 2.i. 105

To

2.

1697—To give Notice to Owner (if Owner can be found) in forty-eight Hours; under Penalty of losing Fees. To be paid for Notice.

No. 97. s. 8.i. 107

3.

After Notice, Party may provide for his Cattle. Poundkeeper to provide, if Owner does not; under Penalty of double Value of Beast dying for Want.

No. 97. s. 9.i. 107

4.

To prevent malicious Impoundings, Poundkeeper not to receive Cattle without Note from Party injured; but to apprehend unauthorised Person bringing Strays; and Justice may award Punishment, if deserved.

No. 97. s. 16.i. 110

V. Poundkeeper's Fees.

1.

AMOUNT. For each twenty-four Hours (begun or complete) of Cattle being in Pound: Horse, Beast, or Ass, 18d.;—Sheep not exceeding eight, 9d. each; 3d. for each above.

For Fees at this Rate, Poundkeeper is to provide Cattle with Food, for first forty-eight Hours.

No. 97. s. 2.i. 105

2.

When Owner, after first forty-eight Hours, provides for Cattle; Fees, two-thirds of Fees in 1.

When Owner, after first forty-eight Hours, does not provide; Fees, double Fees in 1.

No. 97. s. 9.i. 109

3.

RECOVERY. By Action, if above 1000lb. of Sugar; Before Justice, if under. [And see TRESPASS BY CATTLE VIII. 2.]

No. 97. s. 2.i. 105

VI. Rescue and Pound-breach—See TRESPASS BY CATTLE VI. VII. VIII. 2.

PRACTICE (GENERAL).

[And see ASSUMPSIT, 2.; SET-OFF; and the various Titles.]

I. Persons exempted from Arrest.

1.

1791—Freeholder qualified as in FREEHOLDER I.

No. 475. s. 18.ii. 12

2.

1791—Except Freeholder be joint Defendant with Person not Freeholder.

No. 475. s. 18.ii. 12

3.

Beneficed Clergyman, exempted.

No. 475. s. 105.ii. 58

II. Debt below Arrest—See V. 1. VI. 1.

III. Writ of Summons—Service.

1.

SUITS IN C. P. (Except Actions in Ejectment, and by Scire facias) WHERE SPECIAL BAIL IS NOT REQUIRED, to commence by suing, from Secretary's Office, Writ of SUMMONS.

No. 475. s. 9.ii. 8

2.

Service, by Marshal six Days before Court. Service, personal, if Defendant accessible; otherwise, at most usual Abode: if Defendant from ANTIGUA,—Service on Attorney or Manager, or at Attorney's or Manager's Abode: where no Agent,—Nailing Writ on South Gate of Court-house, sufficient. Service, before Sunset. Marshal to prove Service on Oath.

No. 475. s. 10.ii. 9

IV. Declaration when Defendant not arrested.

Declaration to be filed in Forenoon of Day preceding Day of Appearance, and Copy delivered to Defendant applying; or, Writ to abate, and Defendant to recover 3l. 6s. for Costs.

No. 475. s. 11.ii. 9

V. Suing out Writ of Arrest.

1.

Where Cause of Action amounts to 16l. 10s. and Defendant is not Freeholder; [Or where Defendant is circumstanced as in I. 2.] Plaintiff may sue out WRIT in Clause; obliging to special Bail.

No. 575. s. 13.ii. 10

2.

Affidavit of Cause of Action, to precede Issue of Writ, sworn before Judge of C. P. or Officer issuing Process.

No. 475. s. 14.ii. 11

3.

- 1791—Debt in Affidavit to be indorsed on Writ; and Bail taken for no more.
No. 475. s. 15.ii. 11

VI. *Discharge from Custody.*

1.

DEBT BELOW ARREST. Inhabitant arrested for less than 16*l.* 10*s.* may be discharged, on signing Indorsement on Writ, *undertaking to appear and plead.* Before Discharge, Defendant to go, with Marshal, before Justice of Court or Justice of Peace, and make Oath to being Inhabitant not intending to depart. Justice, without Fee, to certify Oath on Writ.
No. 475. s. 16.ii. 11

2.

SPECIAL BAIL AFTER COMMITTAL. Defendant after Committal, obtaining special Bail; to be discharged on Motion made after twenty-four Hours' Notice.
No. 475. s. 20.ii. 14

3.

ALLEGED FREEHOLDER. Defendant alleging himself Freeholder, to inform Plaintiff (by Marshal) of Allegation. If Plaintiff still insist on special Bail, Defendant to give it, or be committed. Defendant may plead in Abatement to Writ as in PLEADING (PARTICULAR) VII.

Either Plaintiff or Defendant losing Issue; to pay double Costs. Clause not to prevent Person illegally arrested and detained from recovering Damages found by Jury in specific Action.

No. 475. s. 17.ii. 11

4.

DEFENDANTS FREEHOLDERS IN PART. Freeholder not to be discharged, without special Bail.

No. 475. s. 18.ii. 12

[*And see IX.*]VII. *Special Bail—Bail-bond.*

1.

DEFENDANT OBLIGED TO SPECIAL BAIL. Person not Freeholder arrested for Debt amounting to 16*l.* 10*s.*; or Freeholder joint Defendant where Defendants are not all Freeholders.

No. 475. s. 19. 18.ii. 10. 12

2.

1791—Heir, Executor, or Administrator,—in Cases, only, where Law of *England* in force in *Antigua* requires.

No. 475. s. 25.ii. 17

3.

BAIL BOND. To be to Marshal, CONDITIONED for Appearance of Defendant at next Court; specifying Plaintiff's Name, Nature of Action, and Sum. *Appearance* to be, either by special Bail to answer Judgment, or by Surrender of Defendant's Body. On failure of Appearance,—forfeited Bail-bond to be assigned, on Demand, to Plaintiff. Plaintiff may declare on it, as in in PLEADING (PARTICULAR) I. Court may give equitable Relief against Forfeiture. [*See 6. infra.*]

No. 475. s. 19.ii. 13

4.

BAIL TO ANSWER JUDGMENT. Special Bail, given as the Alternative for *Appearance* in 3.; to be by Recognizance in Court, from Defendant and two Sureties, conditioned to answer Judgment.

No. 475. s. 19.ii. 13

5.

EXCEPTION TO BAIL—JUSTIFICATION. Plaintiff,—after special Bail put-in in Court, or Notice of being put-in before Secretary,—has forty-eight Hours to *except to Bail.* On Notice of Exception; Bail to *justify on Oath*, in Court or Justice's Chambers. *Bail not justified in four Days*, no Discharge of Bail-bond.

No. 475. s. 20.ii. 13

6.

LATITUDE IN PUTTING-IN. Special Bail to answer Judgment, if not given in Court precisely in Terms of Bail-bond, may be given before Secretary, after twenty-four Hours' Notice to Plaintiff to except. Must be given before Judgment:—if Process commenced, full Costs must be paid, and Bail-bond cannot be discharged without Order of Court. In Costs, Counsel's Fees to be allowed only in one Action on Bail-bond.

No. 475. s. 21.ii. 14

VIII. *Limits to Liability of Bail.*

1.

SURRENDER BEFORE PROCESS AGAINST BAIL. To be by actual Delivery of Principal into Custody of Marshal at Common-jail.
Marshal

Marshal to give Receipt. Affidavit before Judge, of Surrender, filed in Secretary's Office with Receipt annexed; and Entry, under Recognizance, of Surrender; full Discharge to Bail.

No. 475. s. 23.ii. 15

2.

1791—PROCESS IN DEFAULT OF SURRENDER. *Scire Facias* not to issue against Bail till Execution against Defendant issued and returned. Monies raised under Execution against Defendant, to go, as far as they extend, in Discharge of Bail.

No. 475. s. 22.ii. 14

3.

SURRENDER AFTER PROCESS. Bail may surrender Principal at any time before Judgment against Bail. Process against Bail not to be discharged until Bail pay *5l.* Costs, further Costs awarded, and Officer's Fees.

No. 475. s. 23.ii. 15

4.

SURRENDER ON SUNDAY. Bail may surrender Principal on *Sunday*.

No. 475. s. 136.ii. 79

IX. Declaration, when Defendant arrested.

1.

DEFENDANT IN CUSTODY. Plaintiff to declare against Defendant in Custody, in six Days after Notice from Defendant, demanding Declaration; or, Defendant may, by Judge's Order, be discharged with Costs.

No. 475. s. 24.ii. 15

2.

DEFENDANTS BAILED IN PART. Where some Defendants are bailed and some in Custody for want of Bail; Plaintiff is not bound to declare against those in Custody, until the rest are surrendered, or Special Bail to answer Judgment against them put-in. Such special Bail, if put-in in Court; to receive, at time of putting-in, Declaration, against Principal,—then, Trial to proceed against all Defendants—unless Plaintiff desire, by Motion, further Time not exceeding six Days, which Court may grant or refuse. If Bail made special *out of Court*, or Surrender made to Marshal; either Declaration, or Discharge of Defendants—as in 1.

No. 475. s. 24.ii. 16

X. Periods for Pleading.

1791—Special Plea or Demurrer to be filed fifteen Days before next Court after Declaration; and Notice, given in thirty-six Hours: or, Defendant obliged to plead General Issue—unless Court, on Cause shewn and Payment of Costs, otherwise order. *Replication* or *Joinder in Demurrer*, in five Days after Day of Notice of Plea.—*Rejoinder* or *Demurrer*, in thirty-six Hours from Notice of last: Pleadings, if carried further, in thirty-six Hours after Notice of each previous Pleading:—Or, Judgment against Defaulter, unless Court, on Cause shewn and Payment of Costs, enlarge Time. Pleadings to be signed by Counsel.

No. 475. s. 43.ii. 25

[And see XIV. XV.]

XI. Dilatory Plea.

No dilatory Plea to be received; without Affidavit, or probable Cause shewn, that Plea is true.

No. 475. s. 36.ii. 22

XII. Trial.

[And see JURY.]

1.

TIME. At Court of *C. P.* next after Court wherein Defendant was summoned, or attached, to appear—unless Court enlarge Time.

No. 475. s. 67.ii. 39

2.

Actions to be tried in the *Order of Entry* in Secretary's Book, and not postponed, unless Cause shewn.

No. 475. s. 68.ii. 40

3.

No Trial to be postponed, at request of Plaintiff, for more than four Courts; unless by Consent of Defendant, or by Leave of Court on Cause shewn. Plaintiff, postponing Trial without four Days Notice, to pay Defendant Costs of Subpœnas, or go to Trial, or be nonsuit.

No. 475. s. 69.ii. 40

[And see WITNESS, IV.]

XIII.

XIII. *Verdict.*

1.

1791—Verdict to be entered briefly on Back of Declaration, and recorded in Secretary's Book after Entry of Pleadings.

No. 475. s. 71.ii. 40

2.

Jury, if directed by Court, must find special Verdict. Finding *generally*, when directed to find specially; good Cause for new Trial.

No. 475. s. 71.ii. 41

[*And see PRACTICE (PARTICULAR) III. etc.*]

XIV. *Special Verdict.*

Court to settle special Verdict where Counsel differ.

No. 475. s. 71.ii. 41

XV. *Determination of Special Verdict or Demurrer.*

By Chief Justice and two other Justices:—if Justice interested or absent from *Antigua*, by two Justices, *min.* One Justice to adjourn Hearing. Absence of Justices, no Discontinuance; and Chief Justice may, on Application of Counsel, appoint another Day, six Days at least from Date of Summons. Party to give other Party four clear Days' Notice, by Service of Copy of Summons.

No. 475. s. 44.ii. 26

XVI. *Judgment.*

[*And see PRACTICE (PARTICULAR) III. etc.*]

1.

BY DEFAULT. On Defendant (not having filed special Plea or Demurrer) failing to appear at *second Court* after Summons or Attachment, to plead General Issue; Damages may be assessed, and final Judgment entered immediately.

No. 475. s. 70.ii. 40

2.

ENTRY. Judgment *must* be entered [in *Docket Book* kept as in SECRETARY, III. 2.] in twelve Cal. Months after Day on which, under X. XVI. 1. *etc.* it might have been entered. Cannot afterwards be entered, unless by Judge's Order.

1791—No *Scire facias* to revive or execute Judgment before Judgment filed.

No. 475. s. 78.ii. 45

3.

BY CONFESSION. Warrant of Attorney for Confession of Judgment, to be left in Secretary's Office, at time of Confession, to be recorded. If not so left; or if Confession appear from Warrant irregular; Judgment and Execution, void.

No. 475. s. 82.ii. 46

4.

AFTER SCIRE FACIAS. Judgment or Award of Execution to be entered at Expiration of Time for Pleading in X., *supra*.

No. 475. s. 85.ii. 48

5.

DURING INJUNCTION. Judgment may be entered on Verdict: but Injunction will stay Execution.

No. 475. s. 139.ii. 82

6.

DEATH OF PARTY AFTER VERDICT. Not to be alleged for Error, so as Judgment be entered at Court next after Verdict.

Where Executor or Administrator, obtaining Verdict dies,—Administrator *de bonis non* may sue forth *Scire facias*, and take Execution on Judgment.

No. 475. s. 79.ii. 45

XVII. *New Trial.*

1.

1796—When Jury have found generally, after being directed to find specially; new Trial to be Matter of course, and Rule made absolute on first Application.

No. 509. s. 10.ii. 254

2.

1791—In Case other than that in 1., no new Trial or Arrest of Judgment to be granted in first Instance, but merely Rule for shewing Cause; and, *notwithstanding Rule*, Judgment may be entered and Execution issued; unless, by Day Execution might be had without new Trial, Debt and Costs be paid, into Secretary's Office, to abide Event of Suit.

No. 475. s. 73.ii. 42

XVIII. *Arrest of Judgment.*

1.

1791—Defendant to have till next Court to move Arrest of Judgment, giving Notice as in XXIV. *infra*.

No. 475. s. 74.ii. 43

2.

Where, in *Action commenced six Days before Court held in June*,—Verdict, through Adjournment of Court, not obtained till after 20. *August*; Defendant may have till next Court for hearing *Motions*, to move in Arrest of Judgment. If not arrested, Judgment may be signed, and Execution taken thereon, as though Judgment obtained before 20. *August*.

[*And see Title EXECUTION*, VI. 4.]

No. 475. s. 138.ii. 80

XIX. *Restraint of Execution—Reversal of Judgment by Default—obtained during legal Disability.*

1.

Where *Judgment by Default against Defendant absent from Antigua at Service of original Process*,—If Defendant—at or before next Court after his Return, and in a Year after Judgment or Execution—make Affidavit, that Judgment was recovered for *more than actual Debt*; Judge may order Marshal not to levy, or pay Plaintiff more than Defendant's Oath admits; and new Trial may be granted by Court.

No. 475. s. 76.ii. 44

2.

Judgment by Default against Person *non compos mentis*, absent, or under Age, may be set aside,—by Writ of Error, and by *Audita Querela* where Sum not sufficient for Writ of Error,—*Except* in Cases where Infancy, by Laws of England, is not assignable for Error. Court to assign Guardian for Infant.

No. 475. s. 77.ii. 44

XX. *Execution.*

1.

No Execution to issue on Judgment dormant a Year and Day, till revived by *Scire facias*; except Plaintiff have been restrained by Injunction.

No. 475. s. 84.ii. 47

2.

1791—Creditor in Execution *claiming distributive Share* under EXECUTION II.; to lodge with Marshal, Affidavit by Plaintiff or his Attorney before Judge of C. P. ascertaining Demand: Or, Marshal not to make Payment on account of Debt.

No. 475. s. 92.ii. 51

1796—No. 509. s. 2.ii. 251

[*And see PRACTICE (PARTICULAR) VIII. 2. IX. etc.*]

XXI. *Recovery of Levy from Marshal—See PROVOST MARSHAL, VI.*XXII. *Effect of Return of Execution.*

1791—Return of Writ of Execution authorizes either Levy on Estate and Effects, or Caption of Body of Defendant. Officer need not shew original Writ.

No. 475. s. 98.ii. 54

[*And see EXECUTION*, VI. 6.]

XXIII. *New Execution.*

If Defendant taken die in Execution, Plaintiff or his Representative may have new Execution.

No. 475. s. 142.ii. 84

XXIV. *Motions in Court.*

Of all Motions (except Motions of Course) four Days Notice to be given, exclusive of Court Day; unless insurmountable Obstruction appear to Court. If Motion not made or refused, Costs to be paid.

No. 475. s. 81.ii. 46

XXV. *Attachment against Debtor of Defendant.*

1.

Plaintiff, or Plaintiffs, or Attorney, to make Affidavit of Sum owing by Defendant. Affidavit to be filed in Secretary's Office, and Copy served on *Debtor of Defendant*, or his Attorney, with Notice, signed by Plaintiff's Counsel, requiring *Debtor of Defendant* to retain *Monies due*, or sufficient to answer Sum in Affidavit and Interest. [*And see DEBTOR OF DEFENDANT.*]

No. 475. s. 26.ii. 17.

After

1791—After Judgment against Defendant; Monies attached, to be recovered as Debts under Execution.

No. 475. s. 27.ii. 18

XXVI. Sunday.

No Writ or Civil Process to be executed on Sunday. Bail may surrender Principal on Sunday.

No. 475. s. 136.ii. 79

XXVII. Notice of Assignment of Error— Time for Pleading to Error.

Plaintiff in Error to give Defendant written Notice of Assignment of Error, after proceeding as in COURT (D) III. & seq. *usque ad VIII.*

Defendant to join in Error; or plead to Assignment, or to Writ; or demur; or allege Diminution,—in fifteen Days after Notice, if Writ of Error be returned, and Record certified and transcribed:—If Writ not returned at time of Notice of Assignment of Error; Defendant to plead in fifteen Days after Return.

No. 475. s. 165.ii. 98

[For Conclusion of Proceedings in Error, see COURT (D) IX. & seq.]

PRACTICE (PARTICULAR).

I. Defendants in Ejectment having separate Claims.

1791—Each to deliver separate Particulars, and receive separate Declaration.

No. 475. s. 30.ii. 19

II. Promissory Note.

Practice to correspond, as nearly as convenient, to Practice in *England*: but Action, within Limitation in LIMITATION OF ACTIONS, III.

No. 475. s. 32.ii. 20

III. Breaches of Covenant.

ASSESSMENT OF DAMAGES, AND VERDICT. On Suggestion of Breaches on Roll, as in PLEADING (PARTICULAR) V,—Writ of Summons to issue to Defendant to attend Assess-

ment of Damages by Jury. Summons, to be served by Marshal; on Defendant, when Freeholder exempt from arrest;—If not a Freeholder, Service on Counsel;—If no Counsel, Nailing Summons on South Gate of Court-house, sufficient:—Service, six Days before Sitting of Court. Jury to assess Damages for each Breach proved, in addition to usual Damages and Costs.

1791—JUDGMENT CAUTIONARY. If Damages satisfied and Costs paid, Proceedings to cease: but Judgment shall remain cautionary against Damage by new Breach. On further Damage, Plaintiff may have *Scire facias*, suggesting Breaches, and summoning Defendant or Representatives to shew Cause against Execution. Proceedings as before.

No. 475. s. 33.ii. 21

IV. Action, where Payment secured by Bond.

VERDICT. On Payment being pleaded generally, as in PLEADING (PARTICULAR) VIII.;—if Issue joined, Jury to enquire what is due. If Sum *fully paid*; to find for Defendant:—if *unpaid, or partly paid*; Jury to settle Principal and Interest.

JUDGMENT, in latter Case, for Plaintiff in full Penalty; to remain cautionary, for securing aggregate Sum then due for Principal and Interest, with Interest on *aggregate Sum*—from Day of Verdict till Payment—unless otherwise stipulated in Security.

No. 475. s. 38.ii. 23

V. Plea of Payment after Judgment.

VERDICT. On Plea of *Payment after Judgment*; Jury to enquire and settle what is due. Where Defendant indebted on Bond and Simple Contract, or Bond, Judgment, and Simple Contract, and Payments have been made *generally*,—they are to be taken as made, first, on account of Simple Contract; secondly, of Bond; lastly, of Judgment.

No. 475. s. 39.ii. 23

VI. Action against Heir, on Specialty.

JUDGMENT AND EXECUTION. On Issue for Plaintiff,—after Plea of *Riens per Descent*, and Replication as in PLEADING (PARTICULAR) X,—Jury to inquire into *Value* of Land; for which, as found, Judgment and Execution shall proceed.

After

1791—After Judgment by Confession, or on Demurrer, or by *Nihil dicit*; Execution for Debt and Damages, without Enquiry into Value of Land.

No. 475, Appendix, I. s. 6.ii. 123

VII. *Prior Lien for Provisions.*

1.

1798—COMMENCEMENT AND CONDUCT OF ACTION. Action of Debt for Negro Provisions claiming Preference in PRIORITY, II. 4.; must commence in twelve Cal. Months from Delivery.

[*And see 5.*]

Leew. I. No. 36. s. 41.i. 37

2.

Declaration to mention no other Cause of Action than Sale and Delivery. Jury to find no greater Damage than for Amount sold within twelve Cal. Months preceding, and none unless Forms in PRIORITY, II. 4.; in 1. and herein, have been regarded. Admission by Defendant, not Proof.

Leew. I. No. 36. s. 45.i. 40

3.

Officer making Entry of VERDICT, to add following Words, "*According to the Form and Effect of the Act of the General Council and General Assembly of the Leeward Caribbee Islands.*"

After Entry of JUDGMENT, same Words.

Leew. I. No. 36. s. 46.i. 40

4.

Execution on SLAVES, provided Judgment be obtained in *nine Cal. Months.*

When Execution on *another Cause of Action* has previously issued,—Plaintiff claiming prior Lien, to make Affidavit before Judge of Monies *bonâ fide* due to him; and, after filing Affidavit, deliver Copy to Officer to whom PREVIOUS Writ of Execution was directed, requiring Officer to retain so much Money levied under previous Writ as will satisfy Judgment in course to be obtained by Plaintiff.

Leew. I. No. 36. s. 47.i. 41

5.

Action against Executor or Administrator, must be commenced in Cal. Month after Will proved or Administration obtained; and be prosecuted without other than unavoidable Delay.

Leew. I. No. 36. s. 48.i. 41

VOL. II.

VIII. *Bill of Exchange.*

[*And see II. supra; and BILL OF EXCHANGE, &c. I.; and FACTORAGE, II.*]

1.

1791—VERDICT. Jury to find what is due for Principal distinctly, and settle Interest separately to Day of Verdict, and state Damages separately.

No. 475. s. 72.ii. 42

2.

JUDGMENT. For full Sum found in 1. with growing Interest on Principal, which shall run till paid,—with Costs.

No. 475. s. 72.ii. 42

IX. *Debt secured by PENALTY.*

1.

VERDICT AND JUDGMENT, taking Notice that *Debt was secured by Penalty*, to be shaped on Principle in IV.

No. 475. s. 72.ii. 42

2.

EXECUTION. Where Judgment for *Penalty* on BOND; Affidavit of Sum *bonâ fide* due to be made before Judge, and Sum indorsed on Writ of Execution, previous to Delivery to Marshal, or within twenty-four Hours after. Marshal not to levy till Affidavit filed.

Plaintiff indorsing Sum *greater than actually due*; liable to Damages.

Act No. 475. s. 89. not to prevent Plaintiff from correcting *Statement in Affidavit*, by alleging greater or other Debt.

No. 475. s. 89.ii. 50

1796—No. 509. s. 8.ii. 253

X. *Agreement to pay in STIPULATED SPECIE.*

1791—VERDICT, JUDGMENT, and EXECUTION, for express Specie for which Jury shall find Payment to have been engaged, as in PAYMENT IN MONEY, I.

No. 475. s. 72.ii. 41

XI. *Action for Goods of fluctuating Value.*

VERDICT. Value to be assessed by Jury as in PAYMENT IN GOODS, I. [*And see PAYMENT IN MONEY, II.*]

No. 475. s. 75.ii. 43

4 D

XII.

XII. Produce of ANTIGUA taken in Execution.

- 1791—ASSESSMENT BY JUDGE. When Parties cannot agree, as to Price of Produce taken in Execution, for Debt or Damages usually recovered in Currency; Assessment by Judge as in PAYMENT IN GOODS, II.
No. 475. s. 108. 109.ii. 59. 61

XIII. Rent due on Parole Demise—See LANDLORD AND TENANT, II.

XIV. Ejectment for Rent—See EJECTMENT, I.

XV. Action against Justice or Constable—See JUSTICE OF PEACE, I.

XVI. Execution on Recognizance—See COURT (E) XIII. 5. 6. 7. 8.

PRIORITY.

I. Deed.

As in DEED, X.

- 1698—No. 106. s. 11.i. 119
1764—No. 270. s. 4.i. 371

II. Debt.

1.

- 1799—ANNUAL TAX. Arrears; chargeable on real and personal Estate, and payable prior to Debt to Subject. [And see Exception in 2.]
No. 539. s. 19.ii. 345

2.

PARISH TAXES. Charge on Lands, &c. Representatives to pay Arrears prior to other Demands, except Debts to the Crown or the Public.

- No. 536. s. 4.ii. 320

3.

1789—YEAR'S RENT TO LANDLORD. Goods taken in Execution not to be removed till Payment of Arrears to Landlord not exceeding Year's Rent.

- No. 463. s. 4.i. 563

4.

1798—PRIOR LIEN FOR NEGRO PROVISIONS. Debt contracted, for Food and Cloathing directed in

PRIORITY, II.

SLAVES (H) II. and IV.,—by Possessor of Plantation or Possessor of 20 Slaves, *min.* employed as Task Gang,—specific Lien on SLAVES, as far as Possessor's Interest extends, and to be satisfied in preference to other Debt, except Debt to the King—*provided* Seller, intending to claim such Security, enter in Book Account of Food or Cloathing delivered, and have Entry signed by Receiver; and *provided* Action be commenced and prosecuted as in PRACTICE (PARTICULAR) VII.
Leew. I. No. 36. s. 41.i. 37

III. Writ of Execution.

- 1790—Priority of Writ of Execution qualified as in EXECUTION, II.
No. 472. s. 1. & seq.i. 581

PROBATE.

I. Will executed in ANTIGUA.

- 1698—To be proved and recorded as in WILL, IV. 2.
No. 106. s. 12.i. 119

II. Probate in British Court out of ANTIGUA.

- 1791—Evidence, if recorded as in WILL, IV. 5.
No. 475. s. 59.ii. 34

III. Nuncupative Will.

- 1786—Limitation as in WILL, IV. 4.
No. 438. s. 13.i. 529

PROFANE SWEARING.

Penalty—Limitation of Prosecution.

1.

- 1668—Conviction; before Justice, by Confession, or Oath of *two* Witnesses, *min.*

Penalty; 10*lb.* of Tobacco or Sugar for every Oath or Curse,—leviable by Distress, to Use of Parochial Poor. Offender above twelve Years old, not paying; to be set in the Stocks three Hours;—under twelve, not paying; to be whipped.

Penalty or Punishment to be doubled after first Conviction.

- No. 7. s. 2.i. 50
Complaint

PROFANE SWEARING.

2.
1668—Complaint and Proof must be in twenty Days.
No. 7. s. 3.i. 51
3.
Constable, failing to execute Punishment; to forfeit 100*lb.* of Sugar to Parochial Poor, leviabie by Marshal under Governor's War-rant.
No. 7. s. 6.i. 52

PROVISIONS RECEIVED ON SECURITY OF SLAVES.

I. *Debt prior Lien.*

- 1798—Debt to have Preference as in PRIORITY, II. 4.
Leew. I. No. 36. s. 41.i. 37

II. *Penalty for selling Provisions received.*

As in SELLING PROVISIONS RECEIVED ON SECURITY OF SLAVES.

- Leew.* I. No. 36. s. 42.i. 38

PROVOST MARSHAL.

I. *Qualification.*

1.
1696—Provost Marshal, or Deputy, to enter into Bond, in 500*l.* for faithful Discharge of Office.
No. 94. s. 5.i. 102

2.

Not to act without giving Bond; under Pen-alty of 500*l.*

- No. 94. s. 8.i. 103

3.

Bond to be taken in the King's Name, in Trust for aggrieved Person. On Judgment on Bond; no Execution till Marshal summoned, by *Scire facias*, to shew Cause against it. Plaintiff to have Execution to Amount only of Damages. Judgment to remain cautionary for Satisfaction of others.

- No. 94. s. 6.i. 102

PROVOST MARSHAL, II. 571

II. *Duty, as MARSHAL ATTENDANT OF COURTS.*

1.

- 1791—To give Notice of Adjournment of C. P. to Judge absent; under Penalty of 20*l.*
No. 475. s. 3.ii. 6

2.

To make and correct List of Jurors as in JURY, III. To summon Jurors as in JURY, IV. 1. 2.

- No. 475. s. 62.ii. 36

3.

Constituted Marshal of K. B. and Grand Sessions. At his own Expense, to find Cryer and three Under-officers to attend Juries.

- No. 475. s. 191.ii. 108

[*And see* COURT (E) XI. 2.]

4.

Charged with Proceedings on estreated Re-cognizance as in COURT (E) XIII. 1. 3. 4. 8.

- No. 475. s. 209. & seq.ii. 114

5.

- 1798—To attend *Trial of Slave*, among Duties im-posed in SLAVES (H) I., for Fees appointed.

- No. 527. s. 14. 3. 9.ii. 300. 297. 298

III. *Duty and Responsibility, as KEEPER OF JAIL.*

1.

- 1791—To have Charge of Jail, and be answerable for Escapes.

- No. 475. s. 7.ii. 7

2.

- 1702—To receive Renegade Slave into Custody, and pay Bringer Reward in REWARDS (A) II. 1.

To advertise, within six Days after Imprisonment, and monthly till claimed, Slave in Public *Gazette*, with Negro's and Master's Name, or, if Names not to be obtained, De-scription of Slave.

To give *Commissioners of Streets* acting under St. JOHN (B) XIII., Notice in twenty-four Hours, of Slave committed for not disclosing Owner's Name.

- No. 130. s. 7.i. 160

- 1757—No. 212. s. 11.i. 343

- 1801—No. 556. s. 12.ii. 402

1702—Suffering Escape,—or employing Slave,—or suffering Slave to perish for want; to forfeit as in Clause.

No. 130. s. 8.i. 160

Detaining Slave, after Tender of Fees; to forfeit as in Clause. [*And see SLAVES (D) VII. 2.*]

No. 130. s. 11.i. 161

1791—To give Receipt for Debtor surrendered by Bail.

No. 475. s. 23.ii. 15

[*And see MARTIAL LAW, X. XI. XII.*]

IV. Duty and Responsibility, as OFFICER EXECUTING WRITS.

[*And see EXECUTION, generally.*]

1.

To indorse Time of Delivery on Writ of Execution, and, for Fee of 1s. 6d., give Receipt: Penalty for Refusal, 100l.

No. 475. s. 93.ii. 52

2.

On Receipt of Writ, to take Defendant's Slaves and personal Property into Possession, unless prevented by written Order of Plaintiff.

No. 475. s. 99.ii. 55

3.

To inventory dead Goods or Chattels; which shall place them in Custody of Law, though not taken away. [*And see EXECUTION, V.*]

No. 475. s. 116.ii. 65

4.

To give Receipt, on Demand, to Purchaser on Execution, or Defendant paying towards Discharge of Execution. Penalty for Refusal as in 1.

No. 475. s. 122.ii. 69

5.

To return Writ of Execution to Secretary, in three Days after Return Day; under Penalty of 100l. Plaintiff may sue Marshal for further Damage.

No. 475. s. 97.ii. 54

6.

At Expense of Treasury, to keep Books, containing, in prescribed Order,—Entries of Executions; Parties' Names; Times of Deli-

very of Writs; Accounts of Monies levied, or received; Property sold, etc.

No. 475. s. 94.ii. 52

7.

Books to remain constantly in Marshal's Office—unless removed by Judicial Authority for Inspection. Person making Alterations, Erasures, or Obliterations; punishable as for Forgery by Common Law of England,—and Offender's Estate to answer Damages.

No. 475. s. 95.ii. 53

8.

Persons, generally, may examine Marshal's Books, and demand Copies or Extracts; paying similar to Fees in Secretary's Office.

No. 475. s. 96.ii. 53

[*And see VI. VII.*]

V. Powers and Duties (miscellaneous.)

1.

1705—Marshal to attend Commissioners for enforcing Payment of Stipend to Parish Minister, and execute their Precepts; under Penalty of 200l., Imprisonment, and Forfeiture of Office.

Lectw. I. No. 38. s. 4. 5.i. 18. 19

2.

1747—To sell Proportion in Town forfeited as Waste under TITLE, VI.

No. 199. s. 8.i. 295

3.

1791—To have Charge of Constable's Staves.

No. 475. s. 119.ii. 110

4.

To collect Fines imposed by Courts generally; and account on Oath, annually or oftener, to Treasurer.

No. 475. s. 220.ii. 119

5.

Allowed five *per Cent.* on what, after collecting under 4, he pays without Suit.

No. 475. s. 223.ii. 119

[*And see the various Titles.*]

VI. Recovery from Marshal of Levy under Execution.

1.

1796—On Expiration of Time for Payment under EXECUTION, XIX. XX.,—or on Payment on Account,

PROVOST MARSHAL, VI.

Account, or in Discharge of Execution,—Plaintiff may apply to Judge of C. P. for Summons to Marshal, or his Agents, or other Witnesses; (whose Attendance shall be compelled as Witnesses in SUBPÆNA;) requiring him or them to appear, and answer Interrogatories on Oath.

1796—If it appear that Marshal has, or might have received—and if he do not pay-over Sum sued-for in four Days after Justice's Order, made on Examination;—Justice to direct, to CORONER, Execution on Marshal's Goods, Lands, *etc.* for Sum, with twenty *per Cent.* Property levied-on, to be sold in fourteen Days in *St. John's*; previous Notice, in Newspaper. If Property insufficient, Body of Marshal to be taken in Execution. Proceedings to be entered under original Cause. *Plaintiff may elect Remedy against Marshal's Surety.*
No. 509. s. 1.ii. 249

2.

1804—Where Marshal refuses to pay Defendant, Surplus after Payment of all Executions and Costs; Defendant entitled to Remedy given to Plaintiff in 1.
No. 578. s. 3.ii. 464

VII. *Illegal Delivery to Defendant of Property levied—Refusal to assign Bond to Plaintiff.*

1791—If Marshal makes undue Delivery to Defendant, of *Slaves, etc.* levied, without taking Bond as in EXECUTION, XIII.; Marshal not entitled to usual *twenty per Cent.* from Defendant for Levy.

Marshal's Security-bond shall be deemed forfeited; and Plaintiff may commence Action on Bond, or Action of Debt against Marshal, for twenty *per Cent.* Penalty, Debt, Damages, and treble Costs.

So, if Marshal take Bond from Defendant and refuse to deliver or assign it to Plaintiff, in six Days from Demand.

Proceedings against Marshal, not Discharge to Defendant.

Marshal to use Plaintiff's Execution against Defendant, to Amount only of Sum in Judgment and Execution.

No. 475. s. 115.ii. 65

VIII. *Place for Marshal's Office, and Records.*

1.

1748—Upper and lower Rooms in Return at West End of Court-house. Marshal to pay, without

PROVOST MARSHAL, VIII. 573

Demand, yearly Rent of 40*l.* to Treasurer; for Public Use.

No. 200. s. 15.i. 303
2.

1748—Marshal to transact Public Business in Rooms assigned; under Penalty of 40*s.* *per* Day.

No. 200. s. 16.i. 304
3.

To repair Doors, Windows, Window-shutters, and Floors of Official Apartments at his own Expense. [*But see BUILDINGS (PUBLIC) 1.*]

No. 200. s. 17.i. 304
4.

1793—On Alarms, Records not to be removed.

No. 485. s. 39.ii. 161

IX. *Fees.*

[*And see V. 5. and the various Titles.*]

1.

1702—For keeping Runaway Slave in Custody.

No. 130. s. 8. 9.i. 160

2.

1705—For Levy of Parish Minister's Stipend.

Leew. 1. No. 33. s. 4.i. 18

3.

1791—Fees of Levy under Execution, not to be calculated on more than what Plaintiff shall actually be paid after Delivery of Execution to Marshal.

No. 475. s. 103.ii. 57

4.

1799—For summoning Flour-Merchants, for Examination at weekly Assessment of Price of Bread; 3*s.* each.

No. 538. s. 3.ii. 329

5.

Ten *per Cent.* on Levies of *Annual Tax.*

No. 539. s. 23.ii. 346

X. *Marshal, Party to Cause.*

1.

1791—Marshal, or Deputy, to give written Notice to Secretary, twelve Days before Court, of Cause wherein either is Plaintiff, that *Venire facias* may issue to CORONER as in JURY VIII.; Or, Cause not to be tried unless by Consent of Defendant.

No. 475. s. 64.ii. 37

2.

- 1791—In Actions *against* Marshal or Deputy; Plaintiff to give Notice as in 1. that *Venire facias* may issue to CORONER,—or Cause to be tried by Jury summoned by Marshal.
No. 475. s. 64.ii. 38

PUNISHMENT—COMMUTATION OF.

Branding.

- 1791—Court of K. B. and Grand Sessions may change Punishment of *Burning in the Hand* to *Fine and Imprisonment*; or, (in any Case except Manslaughter,) to Public or Private Whipping inflicted three times, *max.* Whipping to be in Presence of two Persons besides Offender and Officer;—Female to be whipped in Presence of Females.

Effect in Law of substituted Punishment, same as Branding.

- No. 475. s. 208.i. 113

[*And see* SLAVES (G) IX.]

RECOGNIZANCE.

Estreated.

- 1791—Recognizance binding to Appearance in K. B. and Grand Sessions, on Forfeiture, to be estreated as in COURT (E) XIII.
No. 475. s. 209.ii. 114

RECOVERY AND FINE.

Not necessary.

- 1705—Recovery or Fine, not necessary to complete Conveyance of real Property in *Antigua*.

[*Or see* DEED VIII. 2.]

- Leexo*. I. No. 32. s. 3. and References *ibid.* i. 15

RECTOR OF ST. GEORGE'S.

I. *Succession of Rectors incorporate.*

- 1725—Creation of perpetual Succession of Rectors incorporate; to sue and be sued by the Name of the "Rector of the Parish of *St. George* in "the Island of *Antigua*."
No. 184. s. 4.i. 246

II. *Appointment of Rector—see* ADVOWSON, 2.

RECTOR OF ST. GEORGE'S, III.

III. *Salary and Fees.*

- 1725—As in *St. Peter's*. [*And see* BENEFICED CLERGYMAN III. IV. and PAROCHIAL AFFAIRS, VIII. 1.]
No. 184. s. 5.i. 246

REGISTER-OFFICE & REGISTRY.

I. *Institution—Documents recorded.*

1.

- 1668—Register-office established for entering WARRANTS FOR LAND, recording SURVEYOR'S RETURNS ON WARRANTS, *filing* GRANTS; and recording at large PATENTS AND CONVEYANCES.

BOOK OF ALIENATIONS to be kept, for registering, *briefly*, Contents of each Estate originally possessed, and subsequently sold, or mortgaged.

- No. 5. s. 2.i. 47

2.

Deeds made beyond Sea.

- No. 5. s. 4.i. 48

3.

- 1746—Conveyances of Slaves, as in DEED XI. 1.

2. 3.

- No. 198. s. 3.i. 288

4.

- 1702—*Probates* as in WILL, IV. 2. 5.

- No. 102. s. 12.i. 119

- 1791—No. 475. s. 59.ii. 34

5.

- No Date—Survey and Maps under SURVEYOR, III.

- No. 27. s. 3.i. 61

6.

- 1700—Warrants for TEN-ACRE LANDS, to be entered in *separate* Book.

- No. 118. s. 4.i. 129

II. *Periods for Registry—see* DEED, VII. XI.III. *Public Documents recorded.*

1.

- 1702—Certificates of Lands taken-up for Ponds under PONDS, I.

- No. 129. s. 9.i. 154

2.

- 1721—Returns by Marshal of Paths run-out under PONDS II.

- No. 172. s. 3.i. 208

Certificate

3.
1733—Certificate of Lands taken-up for Cisterns and Platform at *English Harbour*.
No. 189. s. 12.i. 259

IV. *Scite of Office*—see REGISTRAR, V

REGISTRAR.

I. *Appointment.*

- 1698—Commander-in-Chief, or President—Council and Assembly concurring—to appoint Registrar.
No. 106. s. 2.i. 117

II. *Qualification.*

1.

Not to act till sworn.

- No. 106. s. 3.i. 117

III. *Duty and Powers.*

[*And see REGISTER-OFFICE AND REGISTRY and subordinate Heads infra.*]

1.

- On Acknowledgment by Parties, Registrar not to part with Deed till recorded.
No. 106. s. 11.i. 119

2.

- 1746—Nor with Conveyances of Slaves till recorded.
No. 198. s. 7.i. 289

3.

- 1698—To indorse and sign Memorandum of Time of Registry. [*And see DEED V. 1. and DEED VII. 6.*]

- No. 106. s. 9.i. 119

- 1764—No. 270. s. 4.i. 372

4.

- 1746—On Conveyance of Slaves to endorse and sign Memorandum of Delivery for Registry, attested by a Witness.

- No. 198. s. 8.i. 289

5.

- 1698—To indent Deeds not indented.
No. 106. s. 19.i. 122

6.

- 1700—To record *Ten-acre Lands* in distinct Book.
No. 118. s. 4.i. 130

IV. *Deputy.*

- 1698—Registrar may appoint Deputy. Deputation to be under his Hand and Seal: Not effective till recorded in Registrar's and Secretary's Offices. Deputy's Power same as Principal's.
No. 106. s. 5. 6.i. 117

V. *Place for Official Business.*

1.

- 1765—Land for Registrar's Office to be purchased, and Office erected by Committee, as in Clauses.
No. 275. s. 3. 5.i. 376

2.

Building vested unalienably for official Use. Registrar to keep Records in it, or forfeit Appointment.

- No. 275. s. 4.i. 376

3.

Registrar to repair or replace Doors, Windows, Glazing, Window-shutters, Floors. If Registrar neglect for three Calendar Months after Notice, Treasurer may make Repairs; and Registrar to forfeit double the Expense and Costs of Suit.

- No. 275. s. 4.i. 376

4.

Registrar to pay yearly Rent of 40*l.* Demand by Treasurer, unnecessary.

- No. 275. s. 7.i. 377

VI. *Place for Papers on Invasion or Insurrection.*

- 1793—Registrar, on Invasion or Insurrection; to remove Papers and Records to Assembly Room in Court-house.
No. 485. s. 39.ii. 161

VII. *Fees.*

- 1765—As in Docket.
No. 275. s. 1.i. 374

VIII. *Remedy for Fees.*

Registrar may demand Fees on Tender of Deed, and may refuse to receive Deed till Fees paid.

- No. 275. s. 2.i. 375

IX. *Responsibility of Registrar and Clerks.*

1.

- 1676—Deputy or Clerk guilty of Delay to any Person's Prejudice; to forfeit 500*l.* of Produce

duce to Public Use, and liable to Action for Damages, except King's Service or Employment under Authority occasion Neglect. [See 2.]

No. 39. s. 9. 10.i. 72

2.

1698—Registrar committing Irregularity; to forfeit double Damages.

No. 106. s. 4.i. 117

3.

Registrar answerable for Deputy.

No. 106. s. 7.i. 118

4.

1676—Embezzling, erazing, losing, interlining, or defacing Deed, or Record; Felony within Clergy. Delinquent's Estate, real and personal; liable to Damages.

No. 39. s. 4.i. 70

RESCUE—POUND-BREACH.

I. *Cattle taken trespassing*—See TRESPASS BY CATTLE, VI. VII.

II. *Effects distrained for Rent.*

1789—On Pound-breach or Rescue of Goods distrained; Person grieved entitled to Action against Offender and *treble* Damages,—or against Owner, if Goods rescued return to his Possession.

No. 463. s. 2.i. 562

REWARDS (A) PUBLIC.

[*And see PENSIONS (A) and (B).*]

I. *Freedom to Servant.*

1689—For eminent Bravery in Fight against Enemy, certified by two Officers or otherwise sufficiently proved; indented Servant to receive Freedom. Master to be paid by the Public for Servant's Time.

No. 78. s. 2.i. 88

II. *Pecuniary Rewards.*

1.

1702—Person carrying Runaway Slave to Marshal under SLAVES (D) VII.; to receive from

REWARDS (A) PUBLIC, II.

Marshal 3s. for taking and 9d. *per* Mile for bringing. [*This Reward, with Fees, to be refunded by Owner as in REWARDS (B).*]

No. 130. s. 7.i. 160

2.

1723—Free Person taking Runaway absent two Months; to receive 28s. from Treasury.

No. 176. s. 17.i. 221

3.

Free Person or Slave, killing in pursuit Slave who has absconded three Months after being Year on the Island; to receive 3l. from Treasury. Reward for taking alive such Slave, 6l.

No. 176. s. 8.i. 217

4.

1800—Reward for taking Slave Porter without Badge; as in 1. 2. 3. respectively.

No. 546. s. 2.ii. 369

5.

1723—Slave making Discovery that another Slave designs to murder White, or to fire Building; to receive, on Slave's Condemnation, 3l.

No. 176. s. 18.i. 222

6.

Should Owner forfeit Value of *Slave guilty of Murder or any Felony excepting Running-away*, by not prosecuting Slave in three Months; Informer in thirty Days after three Months, to receive Slave's Value from Treasury under SLAVES (F) IV. VII. VIII.

No. 176. s. 13.i. 220

7.

1794—Officer of Customs, seizing Vessel unlawfully laden with old Metal; to receive Reward in *STOLEN GOODS*, II. 5.

No. 494. s. 5.ii. 222

REWARDS (B) PAYABLE BY PRIVATE PERSONS.

[*And see the Penalties in various Titles.*]

Owner of Slave.

1702—To repay Marshal Sum paid according to REWARD (A) II. 1., and pay Marshal's Fees,—or, if Slave first brought to Owner, to pay Bringer of Runaway 3s. with 9d. *per* Mile; under Penalty of 40s.

No. 130. s. 10.i. 161

ROBBERY.

ROBBERY.

Excluded Clergy.

1791—Person guilty of robbing any other Person; or exciting or abetting Robbery; excluded Benefit of Clergy.
No. 475. s. 205.ii. 112

RULES OF COURT.

[And see COURT (B) and the various Titles.]

Court may make Rules wanting.

1791—In Cases where Rules are not provided by Act, Court of C. P., of Error, of K. B. and Grand Sessions respectively, may make Rules,—to correspond as near as may be with Practice of similar Court in *England*.
No. 475. s. 224.ii. 120

RUNAWAY SLAVE.

I. Penalties on Slave.

As in SLAVES (D) I. II. III.

1702—No. 130. s. 16.i. 162
1723—No. 176. s. 4. 6.i. 216. 217
1757—No. 212. s. 9.i. 342

II. Penalties for concealing or employing—See SLAVES (C) I. II. III. IV. V. VI.

III. Facilities for taking—See SLAVES (D) V.

IV. Rewards for taking—See REWARDS (A) II. 1. 2. 3. 4.

V. Disposal when apprehended—See SLAVES (D) VII.

St. GEORGE—PARISH OF.

I. Creation.

1725—By dividing Parish of *St. Peter* into the Parishes of *St. Peter* and *St. George*.
No. 184. s. 3.i. 245

II. Limits of Parish.

As in Clause.

No. 184. s. 3.i. 245
VOL. II.

III. Church and Churchyard.

1725—As in Clause.

No. 184. s. 4.i. 246

IV. Rector—See RECTOR OF St. GEORGE's and ADVOWSON, 2.

V. Vestry.

Parishioners to choose first Vestry, according to No. 80. s. 1., in twenty Days from Act; future Vestries, annually, under PAROCHIAL AFFAIRS, I.
No. 184. s. 8.i. 247

VI. Parochial Affairs—See PAROCHIAL AFFAIRS.

St. JOHN (A)—HARBOUR OF.

[And see HARBOUR (B); HARBOUR-MASTER OF St. JOHN; PILOT; VESSEL.]

Trading in Boats with Crews prohibited.

1773—No Person to trade, in Boat or Vessel, with Crew of Ship in *St. John's* Harbour, under Penalty of 10*l.*; if no Distress, Imprisonment; if Slave, fifty Lashes.
No. 351. s. 4.i. 425

St. JOHN (B)—PARISH, INCLUDING THE TOWN OF—

I. Election of Vestry—Churchwardens.

1794—Justices of St. JOHN, or, in their Absence, of NEIGHBOURING DIVISION, on Application of Churchwardens, to issue Precept to Constable to summon Freeholders to appear at Church on Day and Hour appointed, to elect, within Period in 2. Vestrymen for the two Divisions.
No. 498. s. 4.ii. 227

2.

Vestry to be chosen in every *January*, on Day from 1st to 11th inclusive, *Sunday* excepted. Of the twelve Members, Rector to be one. Five Freeholders to represent *St.*

John's Town; and six, the Divisions of Popeshead, Dickenson's Bay, St. John, and Five Islands.

No. 498. s. 2. 3.ii. 227

3.

1794—Justices to superintend Election, and make Return in four Days. In four Days after Return, Vestry to choose two Churchwardens from themselves.

No. 498. s. 4. 2.ii. 228. 227

4.

Justices to decide on Right and Qualification of Voters and Candidates. May adjourn to decide, not exceeding three Days. May call in Justice of Quorum to decide.

No. 498. s. 6.ii. 228

5.

Churchwardens failing to apply as in 1., on or before 1st Jan. to forfeit 50l. Justices, failing to execute Warrant and make Return, to forfeit 50l.;—Constable for every Freeholder neglected to be summoned, 10s.

Marshal to pay Forfeitures, recovered, to Churchwardens, retaining eight per Cent.

No. 498. s. 5.ii. 228

II. Vestryman failing to act.

1692—Vestryman not attending Summons of Minister and Churchwardens; to forfeit 5s. Refusing to serve, to forfeit 5l. Churchwarden, to forfeit 5l.

No. 80. s. 5. 6. 10.i. 89. 90

III. Security by Churchwardens.

1.

1794—Acting Churchwarden, with two Freeholders approved as in 2. 3. 5., to enter into Bond to the King, in such Penalty as Vestry shall fix. Bond to be attested by, and lodged with Secretary. Secretary's Fee, 6s.

No. 499. s. 1.ii. 231

2.

Churchwardens,—before collecting Tax, except Tax in VIII.; to produce their Sureties in open Vestry for Examination.

No. 499. s. 2.ii. 232

3.

Vestry may examine Sureties on Oath; and determine on their Sufficiency.

No. 499. s. 3.ii. 232

4.

1794—If Vestry disapprove Sureties, Bond to be cancelled; and Bond from new Sureties, signed. Proceedings on second Sureties as on the first.

No. 499. s. 4.ii. 233

5.

Secretary to indorse on Bond, and sign—"Approved by the Vestry." Secretary's Fee, 3s.

No. 499. s. 5.ii. 233

6.

On Breach; or Suggestion by three Inhabitants, *min.* of Breach of Bond; Vestry, or Governor, may direct Action on Bond in C. P. Vestry to retain Counsel, and support Plaintiff in Action. Bond, in Trust for Parish. Judgment to remain cautionary. Execution for precise Damage, when Amount ascertained; for full Penalty, when not ascertained.

Testimony of Parishioner contributing to Rate; admissible in Action.

No. 499. s. 7.ii. 234

7.

Churchwardens, on leaving Office, to produce Certificate—signed by six Vestrymen, *min.* and countersigned by Vestry Clerk, that their Accounts and Transactions have been regular. Secretary, on filing Certificate, to cancel Bond. If but one Churchwarden retire, other to join new Colleague in Bond.

No. 499. s. 6.ii. 233

IV. Limitation of Churchwardens' Compensation.

Vestry to compensate Churchwardens by *yearly fixed Sum*, payable out of Collection on Settlement of Account. Churchwarden, collecting *Transient Tax*, may have further Compensation, not exceeding five per Cent.

No. 499. s. 8.ii. 235

V. Appointment of Parish Rate.

1.

1692—Vestry may levy Tax for Parish Purposes.

No. 80. s. 4.i. 89

2.

1794—Tax to be introduced into Vestry not later than 10th February.

Vestry's

1794—Vestry's Power to tax Lands or Tenements, not increased by Act.

No. 498. s. 9. 10. ii. 230

SCHEME of Tax to be introduced in Vestry of SEVEN Members, *min.*, and distinctly read. If entertained,—to be reconsidered at future Meeting not sooner than twenty Days.

No. 498. s. 7. ii. 229

1783—Churchwardens to post Roll of Tax, when settled, on Church Door, by second *Sunday* after; stating Sum at which each Person is rated.

No. 418. s. 1. i. 484

VI. Recovery of Rate.

1.

Person not paying Tax in *Month* after Roll is posted; to be served with Summons from Justices to shew Cause, why Levy should not issue. Copy of Summons served personally, or left at Abode, or, in Absence from Island, with Overseer or at Dwelling-house,—sufficient.

No. 418. s. 2. i. 484

1799—No. 536. s. 1. 2. ii. 319

2.

1783—On Person summoned failing to shew Cause; Justices, on Application of Churchwardens, to cause Levy on Defaulter's Negroes, Cattle, and Goods, by Warrant to *Provost Marshal*.

No. 418. s. 3. i. 484

1799—No. 536. s. 3. ii. 320

3.

1783—*Marshal*, in six Days after Distress, to proceed to Sale by Outcry. *Marshal's* Fees, as for levying Public Taxes. *Marshal* to pay Balance to Churchwardens. Failing in Duty, to forfeit 50*l*.

No. 418. s. 4. i. 484

1799—No. 536. s. 3. ii. 320

4.

1692—Debtors for Taxes having nothing in the Parish, may be distrained-on in another Parish.

No. 80. s. 12. i. 91

5.

Persons aggrieved may appeal to Justices of K. B. and Grand Sessions, at Sitting next after Roll posted. Justices may redress inju-

rious Levy, or unequal Taxation. No further Appeal.

No. 80. s. 13. i. 91

1783—No. 418. s. 6. i. 485

6.

Churchwardens not applying for Summons and Warrant in three Months from raising Tax; and Justices not issuing Summons or Warrant in three Days; to forfeit 50*l*.

No. 418. s. 5. i. 485

7.

1799—In Warrant for Levy,—to state Sum or Sums due, whether for Taxes or Arrears; and to authorize *Marshal* to levy according to "*An Act for more easily recovering Parish Taxes, and the Arrears of Parish Taxes*,"—without further Recital or Statement; sufficient.

No. 536. s. 6. ii. 320

8.

Parish Taxes, Charge on Defaulter's Goods, Slaves, Lands, Houses, Rents, and Annuities,—from Commencement of Debt till Payment,—against Persons to whom Estates may pass. Representative of deceased Defaulter, to pay Parish Taxes prior to other Demands, except Debts to the Crown or the Public. If *Personalty* of deceased insufficient; Slaves and real Property to be levied-on by *Marshal* under Justice's Warrant as in Defaulter's Lifetime.

No. 536. s. 4. ii. 320

VII. Conditional Abatement in Rate.

When Order of Vestry allows Abatement of Tax, on Payment in *Money* by limited Time,—Churchwardens may abate as allowed:—but, after Time expired, Tax must be paid in full.

No. 536. s. 5. ii. 321

VIII. Tax on Transients.

1.

1790—Vestry of *St. John* may levy, on transient Trader, Rate not exceeding two *per Cent.* on Value sold by Trader.

No. 469. s. 1. i. 574

2.

Merchant, Trader, or Mariner, not fixed Inhabitant of *Antigua*,—but entitled to Privileges of Court Merchant,—selling or bartering on-shore, or on the Coast; liable to Tax.

No. 469. s. 2. i. 575

3.
1790—Trader *bonâ fide* renting Shop for Year or more, and paying Taxes; exempted from Tax. No. 469. s. 3.i. 575

4.
Master or Supercargo, before obtaining Clearance outwards, to account on Oath for Sales, before Churchwarden; or in Churchwarden's Sickness or Absence, before Justice. Churchwarden empowered to administer Oath.

If *Master* swear individually,—Churchwarden, or Justice, to interrogate *Master* till he disclose *Supercargo's* Name, Amount sold, and Duty.

Churchwarden to keep List of Masters and Supercargoes taking Oath, and Minute of Accounts.

Oath to be taken as well by Party denying Sale.

Churchwarden to collect Rate, and give CERTIFICATE OF PAYMENT. Churchwarden's Fee 8s. 3d. Naval Officer's, for filing Certificate, 4s. 1½d.

No. 469. s. 4.i. 575

1799—No. 536. s. 7. 8.ii. 323

5.
1790—Certificate, unnecessary from Drougher,—or Passage Boat,—or Vessel from *Spanish* Dominions. Cargo in latter, exempted from Duty.

No. 469. s. 6.i. 577

6.
False Account, or false Answer on Oath; punishable as Perjury by Laws of *England*. Supercargo, or other Transient, departing without Accounting; to forfeit 100l.

No. 469. s. 7.i. 578

7.
If Tax not paid in two Days after Demand, two Justices in Parish to grant Warrant for Distress and Sale by Outcry. Constable to retain eight *per Cent.* for Levying. Constable to pay Money, levied, to Churchwardens, in six Days; under Penalty of 50l. Constable neglecting Warrant, to forfeit 50l. Defaulter without Goods, to be imprisoned.

No. 469. s. 7.i. 578

8.
Revenue to be applied towards Maintenance of *St. John's* Poor.

No. 469. s. 8.i. 579

IX. Townwardens.

1702—Vestry to elect Townwardens, as in Towns, V.—To direct Disbursements of Assessment by Townwardens:

No. 126. s. 11—16.i. 138, 139

X. Parish Register.

1.i. 91

1692—Churchwardens to provide REGISTER for Births, Marriages, and Burials. Heads of Families to give Notice. Minister,—if no Minister resident, Churchwardens, to make Entries. Fees 9d. *per* Entry; Copy, 18d.

No. 80. s. 14.i. 91

2.

Parish Register, a Record. Making false Entries, or falsifying Entries; punishable as falsifying Records by Law of *England* subsisting at Act. Penalties, to Parochial Use.

No. 80. s. 15.i. 92

XI. Parish Minister—See BENEFICED CLERGYMAN.

XII. Ponds.

Parish charged with repairing Inclosures of Common Ponds, and providing Troughs—See PONDS, I. 14. 15.

XIII. Streets.

1.i. 396

1801—COMMISSIONERS AND OVERSEERS. Two Members from Council, with five, from Assembly, to be appointed,—as COMMISSIONERS to superintend cleaning and repairing Streets of *St. John*; with Power of appointing OVERSEER, OR TWO OVERSEERS, at Wages not exceeding 200l. *per Annum*.

One Member of Council, and two of Assembly, competent Board.

Seat of Commissioner dying or quitting *Antigua*, to be filled at next Meeting of Houses.

No. 556. s. 2.ii. 396

2.

FUND FOR STREETS. Commissioners to issue Warrants, yearly, between 1st *August* and 1st *October*, to Overseers, for obtaining Names of Owners of Houses and unbuilt Proportions, and summoning Owners and Representatives of non-

non-resident and infant Owners to state, on Oath, annual Value. FORM of Warrant.

1801—Warrant, with Lists made out in obedience; returnable at Time by Commissioners appointed,—to be within ten Days from Date.

Commissioners to attend when Return made, and administer Oaths to Overseers: FORM of Oath. And administer Oaths to Persons summoned. FORM of Oath.

No. 556. s. 3. 4.ii. 396. 397

3.

Commissioners may rate Houses or Proportions of *Absentees* or *Minors without Representatives*, by Oaths of two Persons conversant with annual Value; reckoning no unbuilt Proportion at less than 10*l. per Annum*.

No. 556. s. 5.ii. 398

4.

Owners or Representatives named in Return, not appearing to Summons; to be FINE 10*l. max.* leviable at End of fourteen Days, under Warrant to Marshal.

Defaulter exempt from Fine,—if Oath made, that Sickness, or sudden Call from *Antigua*, occasioned Default.

Goods, not redeemed by Payment, to be sold for Fine, with ten *per Cent.* to Marshal for Levy.

Marshal to pay Fine into Treasury to Fund for Streets.

Whether Fine paid or remitted, Defaulter liable to Assessment.

No. 556. s. 6.ii. 398

5.

On ascertained annual Value of Houses and unbuilt Proportions, Commissioners to raise Fund for repairing Streets, by Assessment not exceeding five *per Cent.*

No. 556. s. 7.ii. 399

6.

Commissioners, in four Days after Assessment, to return to Treasurer List, signed and sealed, of Persons, Property, and Sums assessed.

No. 556. s. 8.ii. 400

7.

Treasurer to publish List in Newspapers; and to return, in twenty Days, to Marshal, Defaulters,—authorising Levy, and directing Payment of Assessment into Treasury, to Fund for Streets. Marshal entitled to usual Fees.

No. 556. s. 8.ii. 400

8.

1801—For every 100*l.* raised by Assessment, 100*l.* to be advanced from Treasury in aid of Assessment.

No. 556. s. 9.ii. 401

9.

Commissioners may draw on Treasurer for Expenses, not exceeding Funds created by Act. Commissioners to account, when required by Legislature.

No. 556. s. 16.ii. 408

10.

EMPLOYING IN STREETS APPREHENDED SLAVES. Slave committed, for not disclosing Owner's Name, to be employed in repairing Streets till claimed. Marshal to give, in twenty-four Hours, Notice to Commissioners of Commitment.

No. 556. s. 12.ii. 402

11.

Justice before whom Slave is convicted of *less Crime than Felony without Clergy*, may adjudge Slave to labour, under Commissioners' Order, on Streets for three Months, *max.*

Slaves labouring on Streets, to be worked in a Body, and confined at Night.

Marshal to have *one* Fee, on Commitment and Release of Slave, as in other Cases.

No. 556. s. 13.ii. 402

12.

When Governor pardons Slave, he may annex to Pardon, Condition that Slave labour on Streets for Period appointed. Proprietor of Slave, to receive 1*s. per Day*.

No. 556. s. 14.ii. 403

13.

PLACES FOR RUBBISH. Dirt and Rubbish, to be thrown in Places appointed by Commissioners. Inhabitant directing, or permitting, Servant, or Slave, to throw Rubbish into public Passages; to forfeit 5*l.*, recoverable by Levy, under JUSTICE's Warrant. Fine, into Treasury to Fund for Streets.

No. 556. s. 10.ii. 401

14.

Owner or Representative of Owner, not removing Rubbish, thrown on unbuilt Proportion, in twenty-four Hours after Notice from Overseers; to forfeit, first Offence, 50*s. min.* 5*l. max.*; subsequent Offence, 10*l.*; recoverable by

by Levy, under COMMISSIONER'S Warrant to Marshal. Fine, to Fund for *Streets*.
No. 556. s. 11.ii. 402

15.

1757—SWINE AT LARGE. Free Person or Slave may kill Swine running at large in Streets of *St. John's Town*. Not claimed in an Hour, the Property of Killer.
No. 212. s. 13.i. 344

XIV. *Nightly Watch.*

1.

1702—To consist of four Men, and a Constable; empowered as Watch in *London*. Each Householder, in Turn, to furnish Watchman; under Penalty of 6s.
No. 126. s. 30. 31.i. 143

2.

Watchhouse to be erected at Public Expense.
No. 126. s. 32.i. 143

XV. *Constables.*[*And see* CONSTABLE.]

Four, *min.* to be appointed by Justices, yearly; empowered to regulate the Watch. Constable refusing to serve, to forfeit 5*l.*
No. 126. s. 30. 31.i. 142

SCIRE FACIAS.

I. *Service and Return.*

1791—Service, six Days before Court, by Copy of Original. Form of Service in other respects as for Writ of Summons. Marshal to make Return of Service on Original, and deliver Writ, by next Court Day, into Secretary's Office to be filed.
No. 475. s. 85.ii. 48

II. *Plea of Payment after Judgment.*

PAYMENT AFTER JUDGMENT may be pleaded to *Scire facias*. Proceedings as in PRACTICE (PARTICULAR) V.
No. 475. s. 39.ii. 23

SEAL OF C. P.

In Custody of Secretary.

1791—Described Seal, to be in Custody of Secretary.
No. 475. s. 6.ii. 6

SEAMEN—REGULATIONS TO PREVENT DESERTION—AND TO COMPLETE CREWS.

I. *Master of Vessel sailing.*

1.

1704—Previous to sailing, to state on Oath, (if required,) before Governor or Treasurer, Situation and Quality of Persons taken on board.
No. 137. s. 2.i. 172

2.

To swear he will not transport other Persons than those accounted for.
No. 137. s. 3.i. 178

3.

Refusing Oath, or not making direct Replies; to be committed to Jail.
No. 137. s. 4.i. 173

4.

Forswearing, punishable as Perjury in Court at *Westminster*.
No. 137. s. 5.i. 173

II. *Penalty for concealing or shipping Seaman.*

1.

Inhabitant or Mariner concealing Seaman, belonging to Ship in Harbour; to forfeit 5*l.* *min.* 20*l.* *max.*
No. 137. s. 6.i. 173

2.

1769—Person harbouring Sailor after eight at night without Permission of Master or Mate; or concealing Sailor from Messenger belonging to his Vessel, or permitting Sailor to remain one Hour in House or Yard, after Warning from Master or Mate; to forfeit, on Conviction before Justices, 5*l.*; leviable as Fine in SEAMEN'S WAGES, II. 3.
No. 314. s. 5.i. 396

Master

SEAMEN, II.

3.

1769—Master shipping Sailor without Certificate, or Oath before Justice of legal Discharge from last Vessel; to forfeit 20*l.*; recoverable by Action or Information,—half to Master whom Deserter left, and half to Poor of nearest Parish.

No. 314. s. 6.i. 397

III. Restrictions on Credit to Seaman.

1704—Creditor, in Sum exceeding 5*s.*, of Seafaring Man under the Degree of Master or Purser, except by Consent of Master or Purser; to lose Debt, and forfeit 5*l.*

No. 137. s. 9.i. 174

IV. Warrants against Persons on Shipboard.

Warrant against Persons on Shipboard, to be directed to Marshal or Constable. Fee for Execution, 6*s.* Persons required, must aid Officer.

No. 137. s. 11.i. 174

V. Deficient Crew.

1769—Justice, on Complaint by Master of deficiency of Sailors for Voyage; to issue Warrant to Constable to search Public Houses or other Places, (Oath being made that Mariners are there harboured,) and apprehend Sailors notoriously vagrant, for Examination. If proved to be Sailors, and unemployed; Justice, individually, or with associated Justice, to order Sailors to go, one Voyage to Great Britain or Ireland, or to British Territories in America or Africa;—settling, each, monthly Wages according to prevailing Rate.

Justice's Certificate to Master; sufficient Indemnity, for compelling Sailor to perform one Voyage only. Master to pay Constable's Fee.

Sailor refusing, or deserting Service, to be committed for twenty Days, unless sooner compliant.

No. 314. s. 4.i. 395

SEAMEN'S WAGES.

I. Settlement when litigated.

1.

1704—Difference between Master and Mariner respecting Wages, not exceeding 10*l.*; to be

SEAMEN'S WAGES, I. 583

determined by Justice,—above 10*l.*, by Justices.

No. 137. s. 7.i. 174

2.

1704—Master or Mariner resisting Decision; to be committed till compliant.

No. 137. s. 8.i. 174

II. Voyage not to be paid-for in the Lump.

1.

1769—CONTRACT by Master to pay Sailor Sum certain, or in the Lump for Voyage to Great Britain or Ireland, or British Territories in North America or Africa; prohibited. Securities and Promises so to pay; void.

No. 314. s. 1.i. 394

2.

Paying Sailor, BEFORE-HAND, in the Lump, for Voyage; prohibited.

No. 314. s. 2.i. 394

3.

Master acting contrary to 1. and 2.; to forfeit 30*l.*, recovered in summary Way before two Justices—Fine, with eight per Cent. for Constable's Fees, may be raised by selling Offender's Goods by Outcry; or Offender may be committed, till Fine and Fees paid; or Action may be brought.

No. 314. s. 3.i. 395

SECRETARY.

I. Qualification.

1.

1696—To enter into Bond in 500*l.*,—for safe Custody of Acts, and proper Discharge of Office by himself and Agents.

No. 94. s. 4.i. 101

2.

Not to act without giving Bond, under Penalty of 500*l.*

No. 94. s. 8.i. 103

3.

Bond to be taken in the King's Name in Trust for aggrieved Person. On Judgment on Bond, Execution not to proceed till Secretary be summoned to shew cause against it. Execution, only to Amount of Damages. Judgment; cautionary, for Satisfaction of others.

No. 94. s. 6.i. 102

II.

II. *Custody of Acts.*

- 1696—Custody of Acts, committed to Secretary. Place for keeping them, Office in *St. John's*.
[See SECRETARY'S OFFICE, I. 1.]
Secretary; for Fees in Clause, to permit Inspection of Acts and give Copies.
No. 94. s. 2.i. 101

III. *Filacer, Clerk of Judgments, &c.*

[And see WRIT; and the various Titles.]

1.

- 1791—Secretary to record Warrant of Attorney in six weeks at farthest after being left. Fee for Receipt of Warrant, 1s. 6d.; for recording 3s.
No. 475. s. 82.ii. 47. 46

2.

- To keep DOCKET BOOK OF JUDGMENTS in C. P. with double Alphabet of Parties' Names, and Reference.
No. 475. s. 83.ii. 47

3.

- On Return of Writ of Execution by Marshal, to file it with other Proceedings,—and give attested Copy, if required. Fee, for filing, 3s.; for attested Copy, 3s.
No. 475. s. 97.ii. 54

4.

- To take assigned Part in balloting, and provide Boxes or Glasses used in balloting Jury.
No. 475. s. 61.ii. 35

5.

- To summon Justices of K. B. and Grand Sessions, six Days before holding of Court.
No. 475. s. 194.ii. 109

IV. *Miscellaneous Duties.*

[And see the various Titles.]

1.

- 1794—On Vestry's Certificate of regular Close to Churchwarden's Account, to cancel Bond given under *St. John (B) III*.
No. 499. s. 6.ii. 233

2.

- 1800—To provide printed License for Owner licensing Slave under PORTERS, JOBBERS, AND WATERMEN, I. 1.
No. 546. s. 1.ii. 368

V. *Fees—See the various Titles.*

SECRETARY'S OFFICE.

I. *Place for Official Business—Place for Records.*

1.

- 1748—Lower Room in Return at East End of Court-house.

Apartment in South-west Wing of Guard-house and Arsenal, Place for Records.

No. 200. s. 15.i. 303

- 1801—No. 555. s. 2.ii. 394

2.

- 1793—Records not to be removed, on Alarms.

No. 485. s. 39.ii. 161

3.

- 1748—Secretary to transact Public Business in Rooms assigned; under Penalty of 40s. per Day.

No. 200. s. 16.i. 304

4.

To pay yearly Rent of 40l. to Treasurer for Public Use.

No. 200. s. 15.i. 303

5.

To repair Doors, Windows, Window-shutters, and Floors of Official Apartment. [But see BUILDINGS (PUBLIC) I.]

No. 200. s. 17.i. 304

II. *Office Hours.*

- 1696—From eight to eleven, A. M. and from two to five, P. M.—except on *Sundays* and usual Holidays.

No. 94. s. 7.i. 103

III. *Documents recorded.*

[And see the various Titles.]

1.

- 1692—Testimonials of Orders, according to BENEFICED CLERGYMAN, II.

No. 80. s. 16.i. 92

2.

- 1721—Returns of Paths laid-out under PONDS, II. 3.

No. 172. s. 3.i. 208

Allotment

3.	
1799—Allotment of Highways under HIGHWAYS, II.	
No. 533. s. 5.	ii. 312
4.	
1773—Bond in GUNPOWDER DUTY, VI.	
No. 348. s. 4. 5.	i. 421
5.	
1784—Bond in HARBOUR-MASTER OF ST. JOHN, I. 3.	
No. 428. s. 12. 13.	i. 514
6.	
1669—Bonds under FUGITIVE DEPARTURES, ETC. I. 1. 2. II.	
No. 17. s. 3. 4.	i. 54
1773—No. 351. s. 1.	i. 424
7.	
1794—Bond in ST. JOHN (B) III.	
No. 499. s. 1.	ii. 232
8.	
1791—Probates obtained in exterior BRITISH Courts.	
No. 475. s. 59.	ii. 34
9.	
Pleadings in C. P.	
No. 475. s. 71.—& <i>passim</i>	ii. 40.
10.	
Warrants of Attorney.	
No. 475. s. 82.	ii. 46
11.	
Accounts in Suits under COURT (C).	
No. 475. s. 151.	ii. 91
[<i>And see</i> COURT (D) (E) (F)]	
12.	
1793—Boat Certificates under VESSEL, II. 3.	
No. 486. s. 4.	ii. 207
13.	
1800—Licenses to Slaves under PORTERS, JOBBERS, and WATERMEN, I. 1.	
No. 546. s. 1.	ii. 368
14.	
1788—Order of Justices vacating Liquor License under LICENSE (A) VIII.	
No. 456. s. 4.	i. 545

SELLING PROVISIONS RECEIVED ON LIEN OF SLAVES.

I. *Penalty on Selling.*

1798—Receiver not to sell Necessaries furnished under PRIORITY, II. 4.; under Penalty of 500*l.* or Year's Imprisonment.
Leew. I. No. 36. s. 42.i. 38

II. *Proceedings on Complaint.*

On Complaint, of Disposition of Negro Provisions or Cloathing contrary to Act;—Justices to inspect Accounts kept under PRIORITY, II. 4., and bind Holders of Books, in 500*l.* to produce them, and give Evidence. To commit Holders refractory—till obedient.
Leew. I. No. 36. s. 43.i. 38

III. *Evidence, as to Identity of Provisions.*

On Trial of Indictment, Proof of Defendant having received *any* Necessaries under PRIORITY, II. 4. within three Cal. Months preceding Sale, and of Entry of Delivery as prescribed,—*unless* Defendant prove, that the Necessaries mentioned in Indictment were received, not under Act, but on Defendant's *personal* Credit; to be sufficient.
Leew. I. No. 36. s. 44.i. 39

SET-OFF.

I. *Against Declaration.*

1791—Mutual Debts between Plaintiff and Defendant may be set-off; so as Notice and Particulars of Debt be delivered by Defendant six Days before Trial. Sum allowed by Jury, in Discount; to be recorded.
No. 475. s. 40.ii. 23

II. *Anticipated in Declaration.*

Plaintiff may declare, for *what is supposed due on Balance*. If Notice of Set-off given, Plaintiff may produce Evidence, that Sum offered to be set-off has been credited. Jury to find for Sum, on fair Settlement, due. If nothing due; to find for Defendant.
No. 475. s. 41.ii. 24

SLAVES (A)

AS AN IMPORTED COMMODITY.

I. *Females to exceed Males, etc.*

- 1798—Where, in Cargo of imported Slaves, Females shall not exceed Males, 10s. Penalty for every Male; for importing aged or infirm Slave, 50*l.* Penalty.
Leew. I. No. 36. s. 39.i. 36

II. *Sale, exempted from Registry.*

- 1746—Sale of Slaves imported, and sold as Merchandize; efficient without Registry.
 No. 198. s. 6.i. 289

SLAVES (B)

AS INHERITABLE PROPERTY; PARTICIPATING IN NATURE OF REAL ESTATE.

I. *Chattels.*

- 1692—On Deficiency of Assets, Slaves may be sold as Chattels for Payment of Debts; not Chattels for other Purpose.
 No. 83. s. 10.i. 97

II. *Freehold Estate.*

- 1705—Slaves worked on Plantation, deemed affixed to Freehold; to descend to Heir, subject to Dower; Widow entitled to Action on the Case for mesne Profits withheld.
Leew. I. No. 31. s. 3.i. 12

III. *Subject to Debt for Provisions as a prior Lien—See PRIORITY, II. 4.*IV. *Conveyance of Slaves—See DEED, XI.*

SLAVES (C)

AS OWING LABOR TO PROPRIETOR, AND RESTRICTED IN COMMERCE—PENALTIES ON THIRD PERSONS.

I. *Detaining Slave.*

- 1702—Person detaining Another's Slave above

SLAVES (C) I.

twenty-four Hours; to forfeit 12*s.* per Day,—if Slave Artificer, 24*s.* per Day.

No. 130. s. 2.i. 158

[*And see EXAMINATION ON SUSPICION, I.*]

II. *Enticing Slave.*

- 1702—Enticing or tempting Slave to desert; Penalty as for detaining Slave.
 No. 130. s. 3.i. 159

III. *Entertaining Runaway.*

- 1723—Slave concealing Runaway; to be whipped. Free Person knowingly entertaining Runaway; to forfeit 10*l.*, first Offence; 20*l.*, second; 50*l.*, third—and liable to Prosecution under I.
 No. 176. s. 10.i. 218

[*And see EXAMINATION ON SUSPICION, I.*]

IV. *Additional Penalty.*

- 1757—Person employing or paying Slave without Owner's Consent; to forfeit 5*l.* to Informer, in addition to Penalties in I. II. III.
 No. 212. s. 9.i. 341

V. *Employing on Shipboard Slave-without-Badge.*

- 1800—Master of Vessel, or other Person, employing *Slave-without-Badge* to load or unload; convicted, to forfeit to Owner, 5*l.* max. 40*s.* min. and 1*s.* per Hour for harbouring, and pay for Hurt to Slave—*unless* special Agreement between Employer and Owner.
 No. 546. s. 5.ii. 370

[*And see EXAMINATION ON SUSPICION, II.*]

VI. *Obstructing Search for Runaway.*

- 1723—Person obstructing Search into Negro-house for Runaway, after Notice of Search has been given; to forfeit 10*l.* max. 5*l.* min.
 No. 176. s. 12.i. 220

VII. *Stealing Slave.*

- 1702—Forcible taking Slave from PLANTATION; Robbery. Carrying, or attempting to carry or seduce Slave from ISLAND; Felony without Clergy.
 No. 130. s. 3.i. 159

VIII. *Restrictions on Commerce with Slaves.*

1.

- 1702—PURCHASE FROM SLAVE. Dealing with Slave for Produce or Goods other than Slave is authorized to sell by Note from Owner; Misdemeanor, punishable by Fine. Augmented Fine and Corporal Punishment, if Offence repeated. No. 130. s. 4.i. 159
1723—No. 176. s. 19.i. 222

2.

Dealing with Slave *not licensed by Owner*, for Sugar, Cotton, Rum, Molasses, Ginger, or other Goods or Produce, (except Logs of Wood, Firewood, Crabs, Fresh-fish, Dung-hill Fowls, Kids, Hogs, and Ground Provisions the Produce of *Antigua*;) Misdemeanor, punishable as in Clause.
No. 176. s. 19.i. 222

[*And see STOLEN GOODS, I. 1. II. 3.*]

3.

AGENCY FOR SLAVE. Free Person prohibited selling Cotton for Slave. [*And see EXAMINATION ON SUSPICION, III.*]
No. 176. s. 34.i. 228

4.

- 1702—SALE TO SLAVE. Person selling or bartering Rum or dry Goods to Slave, on *Sabbath*; to forfeit 3*l*.
No. 130. s. 20.i. 163

5.

- 1723—Selling Arms to Slave; Penalty 10*l*.
No. 176. s. 36.i. 228

6.

- 1784—SALE BY NIGHT—*See FIRE (C) XI.*

SLAVES (D).

PENALTIES ON RUNAWAY SLAVES—
FACILITIES FOR TAKING—DISPOSAL
WHEN APPREHENDED.

I. *Absconding three Months, or more.*

1.

- 1702—Slave absconding three Months, liable to be punished with Death, Loss of Limb, or Whipping.
No. 130. s. 16.i. 162

2.

- 1723—Slave absconding for *three Months of twenty-eight Days at one Time*, after being Year on the Island; or absconding for *several Times, in the Course of two Years, amounting to six Months*; to suffer Death as Felon.
No. 176. s. 4.i. 216

II. *Ringleader of Gang.*

Chief Offender in Gang of *ten or more, from ONE Plantation, absconding as long as ten Days*; to suffer Death.
No. 176. s. 6.i. 217

III. *Roaming for Employ, or trafficking, without License.*

- 1757—Slave roaming for Employ, or roaming and trafficking without Authority of Master; to be whipped.
No. 212. s. 9.i. 341

IV. *Domestic Slave taking Holiday.*

- 1778—Domestic Slave; not entitled, under SLAVES (H) VII., nor to take, Holidays at Christmas without Owner's Permission.
No. 390. s. 1.i. 448

V. *Facilities for taking Slave.*

1.

- 1702—Person killing *Slave pursued as Runaway and resisting*; exempt from Prosecution.
No. 136. s. 19.i. 163

2.

- 1723—Justice, or Officer of Militia down to Rank of Captain, may arm twenty men, *max.* to pursue, and take or kill Runaways.
Person in health, summoned to pursue, not going by himself or Substitute; to forfeit 30*s*.
No. 176. s. 16.i. 221

3.

Owner, or Agent, may, on Notice to Master, or White Manager, immediately before given, without Warrant, break the Doors of other Owner's Negro-house, by Night or Day, to search for Runaway. Person obstructing Search; to forfeit 10*l. max. 5l. min.*
No. 176. s. 12.i. 219

VI. *Rewards for Taking*—See REWARDS (A)
II. 1. 2. 3. and REWARDS (B).

VII. *Disposal when apprehended.*

1.

1702—Apprehender to take Slave to Owner, if known; under Penalty of 40s.; otherwise, to Provost Marshal.

[*And see PROVOST MARSHAL*, III. 2. 3. 4.]

No. 130. s. 10.i. 161

2.

Slave lying three Months in Jail; to be sold at Outcry for Marshal's Fees. Surplus, to Owner; to Treasury, in default of Owner.

Marshal to account, annually, to Treasurer, for Slaves sold; under Penalty of 20*l*.

No. 130. s. 9.i. 160

[*And see ST. JOHN* (B) XIII. 10]

SLAVES (E)

AS AGENTS FOR WHOM THE OWNER IS RESPONSIBLE.

I. *Fine, and Satisfaction.*

1.

1702—Owner may be fined for Slave's Offence, and be adjudged to forfeit Slave to Party injured, unless Fine paid.

No. 130. s. 12.i. 161

2.

1798—If Owner refuse to pay Damages found by Jury; Slave to be adjudged to Party injured. Transfer, to bar Action.

No. 527. s. 12.ii. 299

[*And see V.*]

II. *Joint Contribution to Owner*—See SLAVES (G) VIII.

III. *Forfeiture of Compensation.*

1723—Owner not prosecuting in three Months Slave guilty of Murder or any Felony, (except Running-away;) to forfeit, to Informer prosecuting in thirty Days after three Months, Sum from Treasury under SLAVES (F) IV.

No. 176. s. 13.i. 220

IV. *Division of Compensation.*

1723—Where one Slave murders another, half the Sum from Treasury for Slave executed; to be paid to Master of Slave murdered.

No. 176. s. 28.i. 226

V. *Limited Responsibility for LICENSED PORTER, &c.*

1800—Owner of Slave licensed as Porter, Jobber, or Waterman; liable to answer for Slave's Thefts, or Mal-practices, not exceeding 5*l*.

No. 546. s. 7.ii. 372

SLAVES (F)

PUBLIC COMPENSATIONS TO OWNERS.

I. *Killed or hurt in the Public Service.*

1.

1672—Owner to be paid, from Treasury, for Slave killed or hurt in the Public Service, according to Valuation of two indifferent Persons appointed by Governor.

No. 19. s. 2.i. 56

2.

1689—For Negro disabled or mortally wounded in the general Defence; 5000*l*. of Sugar.

No. 78. s. 3.i. 88

II. *Condemned for Running-away.*

1702—Owner to be paid, from Treasury, appraised Value of Slave condemned for Running-away. [See VIII.]

No. 130. s. 17.i. 162

III. *Runaway killed in pursuit, or executed.*

1723—Owner of Slave punishable with Death and killed in pursuit, or executed; to receive, from Treasurer, Slave's appraised Value. [See VIII.]

No. 176. s. 9.i. 218

IV. *Murderer, Traitor, or Felon executed.*

1.

Owner of Slave executed for Murder, [see 2.] Treason, or Felony; to receive from Treasury Slave's appraised Value [See VIII.]

No. 176. s. 18.i. 222

Where

SLAVES (F) IV.

2.

1723—Where Slave murders Slave; Value paid for Slave executed, to be *divided* between the Masters.

No. 176. s. 28.i. 226

V. Slave killed pursuing Runaway.

Slave killed pursuing Runaway by Order; to be paid-for by Treasury as appraised: If hurt, Payment proportionable. [*The Limitation in VIII. does not seem worded to reach this Case.*]

No. 176. s. 28.i. 226

VI. Killed in Tumult.

Slave killed in Tumult, to be paid for by Treasury as appraised. [*The Limitation in VIII. does not seem to comprise this Case.*]

No. 176. s. 31.i. 227

VII. Appraisement of Value.

Value of Slave executed, or killed, to be settled by Oath of two Whites acquainted with Slave. [*See VIII.*]

No. 176. s. 9.i. 218

VIII. Maximum Value appraised.

1.

1725—Appraised Compensation for Man Slave condemned for *Running-away*; not to exceed 35*l.*, Woman Slave, 30*l.*—*except* Individual condemned, out of Gang of ten or more; in which Case, full Value payable.

No. 183. s. 3.i. 244

2.

1730—*Maximum* in 1.; extended to Slaves condemned for *Treason*, *Murder*, or *Felony*.

No. 186. s. 4.i. 250

IX. Case excepted from PUBLIC Compensation—See SLAVES (G) VIII.

SLAVES (G)

AS A SUBORDINATE POPULATION, SUBJECT TO PARTICULAR LAWS OF POLICE AND PUNISHMENT.

[*And see SLAVES (D) and the various Titles.*]

SLAVES (G) I.

589

I. Restricted in Traffic.

1.

1702—*TIME*. Slave trafficking after ten o'clock on *Sunday*; to be whipped.

No. 130. s. 5.i. 159

[*And see FIRE (C) XI.*]

2.

1801—*COMMODITIES*. If Slave sell, or offer to sell Sugar, or Composition from Sugar, without Note from Director; Sugar liable to Seizure, on Conviction of Slave; and Slave to be corrected as Justice orders. [*And see SLAVES (C) VIII.; in which the Prohibitions operate, by Penalties on third Persons.*]

No. 554. s. 5.ii. 391

3.

1800—*OCCUPATIONS*. Slave not to ply as Porter, Jobber, or Waterman, without License under *PORTERS, &c. I.*

No. 546. s. 1. & seq. and References *ibid.* ii. 368

4.

1799—Slave cannot be licensed under *BREAD AND BAKER, II. 2.*

No. 538. s. 6.ii. 330

[*And see SLAVES (I) IV. V. effecting Prohibitions by restricting the Master.*]

II. Striking White.

1702—Slave to be whipped:—if White be wounded or disfigured by Slave's Resistance, Slave to have his Nose slit, or any Member cut-off, or be punished with Death; always excepting Slave acting by Master's Command.

No. 130. s. 6.i. 159

III. Carrying Arms.

1.

Persons, generally, empowered to take mischievous Weapons from Slave, unless Slave be defending his Master's Goods.

No. 130. s. 6.i. 160

2.

1723—Arms seized from Custody of Slave, and carried before Justice; to be forfeited to Seizer, unless Slave have Ticket for carrying Arms.

No. 176. s. 35.i. 228

[*And see MILITIA, XXV.*]

IV.

IV. *Fighting.*

- 1723—Slave fighting, and Slave drawing Knife for Offence or Defence; to be whipped.
No. 176. s. 29.i. 226

V. *Tumultuous or disorderly.*

1.

If Slaves *exceeding ten* assemble about *St. John's* on *Saturday* or *Sunday*; Justices, under Governor's Direction, to send two Parties of Militia, six *min.* each, with Constable to each, to disperse them.

No. 176. s. 30.i. 226

2.

Housekeeper, summoned; to attend in turn, or send White armed, under Penalty of 20s. On third Proclamation to Slaves to disperse; any of Party may seize one or more Slaves, for Punishment by Whipping. Slaves refusing to disperse may be fired on, if deemed necessary.

No. 176. s. 31.i. 226

[*And see SLAVES (I) III.*]

VI. *Funerals of Slaves.*

- 1757—No Slave to be buried after Sunset, or in other than Deal Coffin without Covering or Ornament; nor may Scarfs or Favors be worn at Slave's Funeral.
No. 212. s. 12.i. 343

VII. *Slave charged with criminal Offence.*

- 1702—On Complaint; Justice to apprehend Offender, and summon Witnesses. [Where *Crime* heinous, see SLAVES (H) I.] JUSTICE, where Damages not exceeding 6*l.*,—ASSOCIATED JUSTICES, where Damages exceed 6*l.* may award Punishment to Slave, and Satisfaction to Party.
No. 130. s. 12.i. 161

VIII. *Selecting Criminal for capital Punishment.*

Where Plurality of Slaves concerned in Crime, [*Trial as in SLAVES (H) I.*] Justices may adjudge one to Death as an Example, and save the Rest; and may command other Owners to contribute in proportion, to Owner of Slave dying, Value fixed by Justices. Payment to be enforced by Execution on Goods, and Sale by Outcry.

No. 130. s. 13.i. 162

IX. *Commutation of Punishment.*

1.

- 1801—Justice before whom Slave is convicted of *less Crime than Felony without Clergy*, may adjudge Slave to labor, under Commissioners' Order, on Streets for three Months, *max.* [*Or see ST. JOHN (B) XIII. 11.*]
No. 556. s. 13.ii. 402

2.

When Governor pardons Slave, he may annex to Pardon, Condition that Slave labor on Streets of *St. John* for Time appointed. Proprietor to receive 1*s.* per Day. [*Or see ST. JOHN (B) XIII. 12.*]

No. 556. s. 14.ii. 403

SLAVES (H)

AS HAVING RIGHTS, AND ENTITLED TO MAINTENANCE AND PROTECTION.

I. *Trial by Jury.*

1.

- 1798—COMMITMENT, &c. On Complaint, charging Slave with *heinous Crime*, or *Felony*; Justice to issue Warrant, for apprehending Slave, and summon Witnesses; and commit Slave, on Examination, appearing guilty.
No. 527. s. 1.ii. 296

2.

Magistrate first applied-to, if in Orders, to give Notice, in twenty-four Hours from Commitment, of Substance of Examination to next Justice. Latter to certify, in ten Days, Cause of Commitment to another Justice. The two, (one must be of the *Quorum*,) within ten Days succeeding, to try Offender, having caused Witnesses to be summoned.

Magistrate first applied-to, when not a Clergyman; to send Certificate of Commitment to next Justice in ten Days.

No. 527. s. 2.ii. 296

3.

JURY. Justices associated as in 2. to issue Warrant to Marshal, for Summons of twelve White Inhabitants. Summons to give twelve Hours' Notice.

No. 527. s. 3.ii. 297

The

4.

1798—The two associated Justices, and six of Inhabitants summoned; Court and Jury for trying Slave. Jury to be balloted-for as Juries under Act, No. 475. s. 61.

No. 527. s. 4. 5.ii. 297

5.

After Pannel formed, each of Jurors to take OATH.

No. 527. s. 6.ii. 297

6.

TESTIMONY OF SLAVE AGAINST SLAVE. Admissible.

No. 527. s. 4.ii. 297

7.

FREE WITNESS'S OATH. White or Free Person of Colour, Witness; to take OATH in Clause.

No. 527. s. 7.ii. 298

8.

SENTENCE. If Jury,—from positive, or strong presumptive Proof,—find Slave guilty; Justices, on Trial or in five Days after, to pass Sentence according to Crime.

No. 527. s. 8.ii. 298

9.

WHEN SENTENCE IS DEATH. If Sentence, "Death;" Justices, in twenty-four Hours, to issue Warrant to Marshal to cause Execution as appointed—Time not sooner than four Days.

No. 527. s. 9.ii. 298

10.

Justices passing Sentence of Death, to apprise Commander-in-Chief of *Antigua* of such Proceeding in thirty-six Hours; under Penalty of 20*l*.

No. 527. s. 11.ii. 299

11.

WHEN SENTENCE, NOT DEATH. If Sentence on Slave found guilty, cannot, by Law, be Death; Justices to inflict *corporal Punishment*, by their own Authority.

No. 527. s. 10.ii. 298

12.

DAMAGES. Jury to assess Damages sustained from Offence of Slave. Slave to be delivered to Owner *paying Damages*. If Owner refuse to pay, Slave to be adjudged to Party injured. Such Recompense, bars Action.

No. 527. s. 12.ii. 299

13.

1798—JUSTICE'S OR JUROR'S DEFAULT. Magistrate refusing to sit—Juror, to attend—to hear and determine Cases of Slaves according to Act; to forfeit each 20*l*.

No. 527. s. 13.ii. 299

14.

MARSHAL. Marshal to attend Trial under Penalty of 20*l*. Marshal's Fees, from Public; 3*s*., each, for summoning Jurors—33*s*. for Attendance.

No. 527. s. 14.ii. 300

15.

SECRETARY. Secretary, on Notice from either Justice; to attend, administer Oaths, and minute Proceedings in Book. To be allowed 33*s*. for Attendance. To forfeit 20*l*. for Non-attendance.

No. 527. s. 15.ii. 300

II. Food.

1.

RATION AND QUALITY. Master, under Penalty of ten Shillings *per* Slave; to *purchase* or *provide*, weekly, for Slaves, at rate, each, of nine Pints of Corn or Beans—or eight Pints of Pease, or Wheat or Rye Flour, or Indian-corn Meal—or nine Pints of Oatmeal—or seven Pints of Rice, or eight Pints of Cassava Flour—or eight Pounds of Biscuit—or twenty Pounds of Yams or Potatoes—or sixteen Pounds of Eddoes, Tantias, or Tyres—or thirty Pounds of Plantains or Bananas,—and 1*½**lb*. of Herrings, Shads, Mackarel, or other salted Provisions, or double the Quantity of fresh Fish, or fresh Provisions; of good and wholesome Quality.

Leew. I. No. 36. s. 1.i. 21

[*And see* PRIORITY, II. 4. and SLAVES (I) VII.]

2.

DISTRIBUTION. Master may distribute at discretion, according to labor, size, age, and strength of Slaves, but must expend, weekly, the full Ratio. Must allow Slave aged, infirm, or sickly, not provided for in Hospital, a full Ratio, under Penalty of 20*s*.

Leew. I. No. 36. s. 1.i. 21

3.

REDUCTION IN ALLOWANCE DISTRIBUTED. Allowance may be diminished one-fifth in Crop-

Crop-time, provided the Operation either of making Sugar, or cutting Canes, be carried on during whole Week in which Reduction is made.

Leew. I. No. 36. s. 2.i. 22

4.

1798—REDUCTION IN ALLOWANCE PURCHASED. When Quantity of Provision-land under Cultivation *with Owner's time*, is in the Proportion of one Acre for every ten Slaves; and when the whole Produce, from such Cultivation, or a Proportion of it equal to II. 1. is expended among the Slaves, the Purchase of *dry* Provisions may be diminished according to Quantity of Provisions thus raised: provided the *full Ratio of salt or fresh Provisions is distributed*: and provided Master makes Oath, yearly, before Council, as to having one Acre at least for every ten Slaves under Cultivation, &c.

Leew. I. No. 36. s. 5.i. 23

5.

SUBSTITUTION OF MONEY. Money not to be substituted, under Penalty of 50*l.*, except in unequivocal Necessity. In such Case, Slave to have, weekly, 4*s.* and two half Days to market. Master has same discretionary Power of distributing Money, as of Food in 2.

Leew. I. No. 36. s. 3. 4.i. 22. 23

III. Allotment of Land.

Master to allow Slave capable of cultivating Land, commodious Piece, forty Feet square, *min.* or annual Compensation.

Leew. I. No. 36. s. 6.i. 24

IV. Cloathing.

For Male Slave, Jacket of good, sound Woollen Cloth, and Trowsers of good, sound Osenbrigs; Female Slave, Wrapper of such Cloth, and Petticoat of such Osenbrigs; to be supplied every 1st *Jan.* and 1st *Aug.* Good Blanket and Hat or Cap, may be given, with Consent of Slave, in lieu of one Suit of such Cloaths.

Leew. I. No. 36. s. 7.i. 25

[*And see PRIORITY, II. 4. and SLAVES (I) VII.*]

V. Oath of Master—Account.

1.

Oath, as to fair Distribution of Food and

Cloathing, to be made, annually, before K. B. or C. P., under Penalty of 100*l.*

Leew. I. No. 36. s. 8.i. 25

2.

1798—Proprietor to keep Account of Provisions distributed, and Commutation Money paid, with weekly Account of Slaves, and separate Account of Cloaths provided, and Slaves possessed at the Time.

Leew. I. No. 36. s. 13.i. 27

VI. Hours of Labor.

1.

Slave employed in Field or Plantation Work to be allowed half an Hour for Breakfast, and two Hours for Dinner.

Leew. I. No. 36. s. 9.i. 25

2.

Slave not to be worked before five A. M. nor after seven P. M. except in Crop-time, or for evident Necessity.

Leew. I. No. 36. s. 10.i. 26

VII. Holidays.

1.

1778—Slaves (except those employed domestically) to be allowed, as CHRISTMAS HOLIDAYS, from Sunset 24th *Dec.* to Sunrise 28th *Dec.* and no further or other Days.

No. 390. s. 1.i. 447

2.

Owner convicted before Justice, on Oath of White Witness, of not allowing same, or of allowing other Days in the twelve Christmas Holidays; (except to Slaves employed domestically;) to forfeit 100*l.*

No. 390. s. 1.i. 447

VIII. Maintenance when disabled.

1.

1798—Where Owner of infirm Slave cannot be discovered; Vestry, or where no Vestry, Civil Magistrate may support Slave, and charge it to Public Treasury.

Leew. I. No. 36. s. 11.i. 26

2.

Proprietor manumitting disabled Slave, to lodge 300*l.* with Treasurer for Slave's Maintenance. Slave to draw the Interest half-yearly.

yearly. On Slave's Death, the 300*l.* devolves to the Public.

Leew. I. No. 30. s. 12.i. 26

IX. *Medical Attendance when Sick.*

1.

1798—Owner to furnish sick Slave with Medical Attendance, and such Necessaries as Medical Attendant shall prescribe; under Penalty of 50*l.*

Leew. I. No. 36. s. 19.i. 30

2.

Owner to cause sick or hurt Slave to be visited by Person licensed to practise Physic and Surgery, and to cause Medicine and Diet reasonably prescribed, to be administered; under Penalty of 5*l.*

Leew. I. No. 36. s. 27.i. 33

3.

Proprietor to employ qualified Medical-man by the Year, if to be had reasonably; under Penalty of 10*s.* per Slave.

Leew. I. No. 36. s. 34.i. 35

4.

Medical Attendant to visit Estate twice a Week (unless released by Note from Proprietor) and at all times, when called; under Penalty of 5*l.* Within eight Hours after apprised of Call; under Penalty of 10*l.*

Leew. I. No. 36. s. 28. 29.i. 33

5.

Owner to have commodious Hospital; under Penalty of 100*l.*;—and see the Sick properly provided; under Penalty of 20*s.*

Leew. I. No. 36. s. 30.i. 33

6.

Owner to provide Register-book, under Penalty of 40*s.*, for Medical Attendant, under same Penalty, to record his Method of treating the Slaves.

Leew. I. No. 36. s. 31.i. 34

7.

Call on Medical-man to be in Writing describing the Case, that he may send the Slave Medicines, if professional Business prevents his immediate Visit.

Medical-man to register Time of Arrival of Call, under Penalty of 40*s.*

Leew. I. No. 36. s. 32.i. 34

VOL. II.

8.

1798—Practitioner, under Penalty of 5*l.*, to keep on Estate he attends *safe Medicines, with Directions*, for the unskilled to administer on Emergency. Such Directions to be inserted in first Page of Register, under Penalty of 40*s.*

Leew. I. No. 36. s. 33.i. 34

9.

Owner or Manager to return, annually, on Oath, an Account of Births and Deaths of Slaves, and how the Sick have been attended; under Penalty of 100*l.* In ten Days after quitting Plantation, similar Return.

Leew. I. No. 36. s. 35.i. 35

10.

Medical-man engaged on Plantation to return, on Oath, yearly, Number of Slaves who have died, Cause of Death, and Treatment of Invalid and Sick; under Penalty of 100*l.*

Leew. I. No. 36. s. 36.i. 35

X. *Inquest on Slave dying suddenly.*

Coroner, or where no Coroner, Justice to hold Inquest, consisting of three Persons, *min.* on Slave six Years of age, or more, dying suddenly. Coroner's Fee, 3*l.* 6*s.* *max.* payable by the Public.

Owner omitting to give Notice to Coroner in six Hours,—or burying Slave before giving Notice, or within eighteen Hours after Notice; to forfeit 100*l.*

Leew. I. No. 36. s. 20.i. 30

XI. *Killing or maiming Slave.*

1.

1797—Killing or maiming Slave, punishable with Death or such Sentence as killing or maiming White Person by Laws of *England*; but without Corruption of Blood or Forfeiture of Goods.

No. 522. s. 2.ii. 287

2.

1798—Killing or maiming Slave, to be punished as killing or maiming White Person; but Conviction not to occasion Corruption of Blood, or Forfeiture of Goods.

Leew. I. No. 36. 21.i. 30

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XII.

XII. *Protection from Maltreatment.*

1.

1798—PERSONS NOT OWNERS, maltreating Slaves; to be fined not exceeding 10*l*.

Leew. I. No. 36. s. 14.i. 27

2.

Punishment by *Criminal Jurisdiction* for maltreating other Person's Slave: not Bar to Action by Owner for Damages.

Leew. I. No. 36. s. 16.i. 29

3.

OWNER or DIRECTOR, convicted, on Indictment, of *cruelly* whipping, beating, or maltreating Slave, or confining Slave without sufficient Support; to be fined, or imprisoned, at discretion of Judge, and liable to have Slave sold. Produce, payable for Fees; then, to prior Lien; then, to Master.

Leew. I. No. 36. s. 15.i. 28

4.

Justices may enquire into Fact of Maltreatment, on probable Intelligence; and remove Slave to be supported at Expense of Owner during Enquiry.

Leew. I. No. 36. s. 17.i. 29.

5.

Iron Collars with projecting Hooks, and unnecessary Severities prohibited; under Penalty not exceeding 100*l*.

Leew. I. No. 36. s. 18.i. 29

XIII. *Marriage of Slaves.*

1.

As Marriage cannot confer Rights on Slaves or their Children, and as Slaves have an imperfect Apprehension of Religion,—Clause deems the Sanction of Magistrate or Clergyman unnecessary, where Slaves assume the Relation of Man and Wife. The MARRIAGE OF SLAVES is *not a civil or religious Contract*. But the Owner or Director is, on every 1st *January*, to assemble Slaves, and enquire into their conjugal Connections; to encourage single Slaves arrived at Maturity to enter into Marriages of one Wife with one Husband, and to inculcate a moral and faithful Observance of such Engagement; to compel every Slave having Wives or Husbands to elect one; and resign the rest; to enter such nominal Marriages in Book, and read it annually to Slaves convened.

Leew. I. No. 36. s. 22.i. 31

2.

1798—Female Slave keeping her conjugal Engagement, to have Gratuity of four Dollars for her first Child, and five for each succeeding child.

Leew. I. No. 36. s. 22.i. 31

3.

Owner not complying with 1. 2.; to forfeit 50*l*.

Leew. I. No. 36. s. 22.i. 32

4.

Slaves living with Fidelity as Man and Wife; to have annual Gratuity of Dollar each.

Leew. I. No. 36. s. 23.i. 32

5.

White Person prohibited criminal Intercourse with married Female Slave; under Penalty of 100*l*.

Leew. I. No. 36. s. 25.i. 32

XIV. *Treatment during Pregnancy.*

1.

Owner or Director of Slave *five Months gone with Child*; to keep her on Estate; employ her only on light Work; and not punish her but by Confinement; under Penalty of 5*l*.

Leew. I. No. 36. s. 37.i. 36

2.

Proprietor to provide Slave pregnant with *first Child*, either House of two Rooms, or Reception in the Lying-in Ward; under Penalty of 20*l*.

Leew. I. No. 36. s. 38.i. 36

XV. *Mother of six Children living.*

Owner or Director not to oblige Female Slave, having six Children living, the youngest seven Years old, to do other than light Work; under Penalty of 20*l*.

Leew. I. No. 36. s. 24.i. 32

XVI. *Religious Instruction.*

1.

Owner restraining Slave (whose Service is not necessary) from attending, on *Sunday*, Public Worship at established, or tolerated Christian Church,—or from receiving Baptism; to forfeit 5*l*.

Leew. I. No. 36. s. 26.i. 32

Beneficed

1798—Beneficed Clergyman refusing to baptize, without Fee, Slave sufficiently informed, and of good Character; to forfeit 30s.—To endeavour, by Instruction, to qualify rejected Slave. *Leew. I. No. 36. s. 26.i. 32*

SLAVES (I)

MISCELLANEOUS REGULATIONS TO BE OBSERVED BY OWNER AND AGENT.

I. Irregular Search for Slaves.

1723—Person breaking Doors of other Owner's Negro-house, to search for Runaway, *without Notice* to other Owner, or White Manager, if one be on Plantation; or maltreating Slaves under Color of Search; to forfeit 10*l.* max. 5*l.* min. and liable to Action. *No. 176. s. 12.i. 220*

II. Neglecting to prosecute criminal Slave—see SLAVES (E) III.

III. Permitting Slave to sound annoying Instrument.

Master, Manager, &c. suffering Slave to beat Drum, empty Cask, or Gourd, or to blow loud Instrument for an Hour; to forfeit 20*l.*, if Information given in a Week.

No. 176. s. 15.i. 221

IV. Slave not to plant Cotton on his own Account.

Master not to suffer Slave to plant or gather Cotton for Slave's Use.

No. 176. s. 34.i. 228

[*And see WHITE POPULATION, ETC. III.*]

V. Permitting Slave to roam for Employ.

1757—Owner permitting Slave to go at large, hiring himself out, to forfeit 5*l.* min. 10*l.* max. to Informer before two Justices. Refusing to clear himself, on Oath, of having giving such Authority, liable equally to Penalty. [See PORTERS, ETC.]

No. 212. s. 9.i. 341. 342

VI. Reward for bringing Runaway.

1702—Owner to pay as in REWARDS (B).

No. 130. s. 10.i. 161

VII. Selling Negro Provisions.

1798—Receiver not to sell Negro Provisions obtained on Security of Slaves; under Penalty of 500*l.*, or Year's Imprisonment. [Or see SELLING PROVISIONS RECEIVED ON SECURITY OF SLAVES.]

Leew. I. No. 36. s. 42. 43. 44.i. 38. 39

SLAVES (K)

MILITARY PRECAUTIONS RESPECTING.

[*And see SLAVES (G) III. V. and MILITIA, XXV.*]

Martial Law during Christmas Holidays.

1.

1778.—Martial Law, in force from Sunset 24th Dec. to Sunrise 28th Dec., Interval given Slaves as Christmas Holidays; and Military Duty to be performed by Militia Cavalry, Infantry, and Artillery, under Orders from Council of Officers. Defaulters to be fined or imprisoned at discretion of Court Martial.

Enumerated Civil Officers, exempted from Duty. [See MILITIA, XXXIV.]

Martial Law in force over those only on actual Duty; which Service exempts from Arrest or Execution.

No. 390. s. 2.i. 443

2.

When 24th Dec. falls on Sunday, Martial Law to commence at Sunset 23d; when 28th falls on Sunday, Martial Law to continue till Sunrise 29th.

No. 390. s. 3.i. 449

3.

1723—Person, when riding Rounds, breaking-up Negro House, or maltreating Slave not pursued as Runaway and resisting; to forfeit 10*l.*

No. 176. s. 37.i. 229

4.

1778—If Council of Officers order Guard to be mounted in Town,—Guardhouse to be hired

4 G 2

and

and Candles and Necessaries issued by Treasurer.

No. 390. s. 4.i. 449

SPECIAL PROMISE.

Must be in Writing.

1786—Action on special Promise by Executor to pay Damages out of his *own* Estate, or by one Person to answer Debt or Default of *another*; cannot be supported unless Promise be in Writing.

No. 438. s. 1.i. 526

STEALING.

[*And see THEFTS (PETTY).*]

I. *Stealing Vessel.*

1788—Stealing Vessel from Road or Harbour; Felony without Clergy.

No. 452.i. 541

II. *Stealing in House, Warehouse, Outhouse.*

1791—Stealing privately or otherwise (by free Person) in Dwelling-house, Shop, Warehouse, or Out-house, to Value of 10*l.*; Felony without Clergy.

No. 475. s. 206.ii. 112

III. *Stealing Sheep or Cattle.*

1798—Stealing Sheep, Bull, Cow, Ox, Steer, Bullock, Heifer, Calf, or Lamb; or killing, with intent to steal Carcase; or assisting in such Offence; Felony without Clergy.

No. 531.ii. 304

STOREHOUSES (PUBLIC) FOR TOBACCO.

Abolished.

1675—Public Storehouses for Tobacco; found inconvenient, and suppressed.

No. 33. s. 8.i. 65

STOLEN GOODS.

I. *Receiving Stolen Goods.*

1.

1723—Receiving from SLAVE Goods knowing them to be stolen, *though principal Offender not known or not convicted*; Misdemeanor in first Instance, punishable as in Clause. Becomes Felony on second Conviction. [See INDICTMENT, I. and II. 3. *infra.*]

No. 176. s. 20.i. 223

2.

1791—Receiving or buying from FREE PERSON Goods knowing them to be stolen; Felony.

Though principal Felon cannot be taken or convicted, or is admitted Evidence,—Receiver of Goods knowing them to be stolen, may be prosecuted for Misdemeanor, punishable by Fine and Imprisonment or other corporal Punishment inflicted by Court:—which shall exempt from Punishment as Accessary should Principal be afterwards convicted.

No. 475. s. 207.ii. 113

II. *Regulations to prevent Sale of Stolen Iron, Copper, Lead.*

1.

1794—No Person to export, or ship for Exportation old Iron, Copper, Lead, or Brass, without giving Officer or Customs forty-eight Hours' Notice in Writing; stating *Quantity of each Article*, with *Name and Residence of Person from whom received*; under Penalty of 100*l.*

No. 494. s. 1.ii. 220

2.

Party guilty of false Statement under 1.; to be fined, first Offence, 100*l.*, *max.* 50*l.*, *min.*; second Offence, imprisoned six Months, *max.* three Months, *min.*; subsequent Offence, imprisoned or pilloried at discretion of Court.

No. 494. s. 2.ii. 220

3.

Person,—not Planter, Blacksmith, Copper-smith, Plumber, or Founder,—not accounting satisfactorily to Court and Jury, for old Metal in his Possession; deemed to have received it unlawfully from *unknown Slave*. Indicted and convicted; to forfeit, first Offence, 30*l.* *max.* 10*l.*

STOLEN GOODS, II.

10*l.* *min.*,—second Offence, 100*l.*,—subsequent Offence, be imprisoned six Months, *max.* three Months, *min.*

No. 494. s. 3.....ii. 221

4.

1794—Action or Information under 1. 2. or 3. must be commenced in seven Cal. Months after Offence *committed* or *discovered*. Plaintiff or Informer failing in Prosecution; to pay treble Costs.

No. 494. s. 4.ii. 221

5.

Officer of Customs seizing Vessel unlawfully laden with old Metal; on Proof certified by Justices, to be paid 33*l.* by Treasurer.

No. 494. s. 5.ii. 222

SUBPŒNA.

I. In C. P.

1791.—For Witness in C. P.; to be served three Days before Day of Attendance at Residence of Witness.

On Witness not sick or disabled making Default,—Service of Subpœna proved,—Justice or Justices sitting, to impose Fine of 10*l.*, enforced by Attachment against the Body of Witness, who shall be imprisoned till Payment of Fine and Jail Fees.

And absent Witness shall further forfeit 50*l.* recoverable by Attachment in Name of Party grieved, specifying the Cause; to which Attachment Freeholder must give special Bail, and may plead. On Issue joined; Trial by Jury as other Actions. On Default, Confession, or Demurrer; Judgment as in other Actions. Half Forfeiture recovered, to Party grieved; half, towards Fortifications—Plaintiff recovering; to have Costs:—nonsuited; discontinuing or losing Issue; to pay Costs.

No. 475. s. 46.ii. 27

1796—No. 509. s. 9.ii. 253

II. In K. B.—See COURT (E) XII.

SUGAR, (REGULATIONS ON RETAILERS).

I. Definition of Retailer.

1.

1801—Seller of less than 100*lb.* at once.

No. 554. s. 1.ii. 389

SUGAR, I.

597

2.

1801—Barterer of Sugar in less Quantity than 100*lb.* for Hogs or other Commodity.

No. 554. s. 4.ii. 391

II. Duty on Sugar sold by Retail.

Retailer to pay 6*d.* per 100*lb.* on Quantity sold.

No. 554. s. 1.ii. 389

III. License—Bond—Period of Accounting.

Person selling less *Muscovado* Sugar than 100*lb.* at once, without first obtaining from Treasurer, *License for six Months*, and entering into Bond, with Surety, in 50*l.*, to account as in Clause;—on Conviction by free Witness, to forfeit, first Offence, 50*l.*; second 100*l.*; third 150*l.*, *min.* 300*l.*, *max.* Treasurer's Fee for License, 4*s.* Retailer to Account every three Cal. Months stating Quantity sold, and whence purchased. OATH. False Account, punishable as Perjury.

No. 554. s. 2. 3.ii. 389. 390

IV. Treasurer to enforce Account.

Treasurer to bring before him, by Warrant, Person refusing to account, and pay Duty; and to commit him, still refractory, till compliant. To put Bond in Suit.

No. 554. s. 3.ii. 390

V. Application and Recovery of Fines.

Offender not paying Fine in five Days; to be committed till Payment. Fine, half to Informer; half to Treasury.

No. 554. s. 7.ii. 391

VI. Application of Duty.

Revenue, not the Object of trivial Duty, in II. Treasurer to retain fifty *per Cent.* on Collection; which, with License-fee, to be in full for Services under Act. Remainder to go into Treasury.

No. 554. s. 6. 7.ii. 391

SURGEON

SURGEON AND MEDICAL PRACTITIONER.

Examination and License.

1.

1676—Practice in Physic, under any Title or Pre-
tence; prohibited—till Practitioner has ap-
peared before, and been licensed by Governor;
No. 44. s. 2.i. 75

2.

Governor not to license Practitioner till
Candidate examined before Governor and
Council—*unless* he produce Certificate from
Surgeon's Hall in *London*, or from a University
or Physician in one of His Majesty's Kingdoms.
No. 44. s. 3.i. 76

3.

Person convicted before Council, by two
Witnesses, of practising without License; to
forfeit 5000*lb.* of Sugar, leviable by Distress;
one-fifth to Informer, four-fifths to the Public.
Offender unable to pay; to suffer three Months
Imprisonment.
No. 44. s. 4.i. 76

4.

Person administering Medicine domestically,
or to the Indigent charitably,—and Surgeon of
Ship, only during Ship's Stay; exempted from
Penalty.
No. 44. s. 5.i. 76

SURVEYOR.

I. *Qualification.*

No date.—No Surveyor to practise, unless admitted
by Governor and sworn. Returns, or Certifi-
cates, by unauthorised Surveyor; not good.
No. 27. s. 1.i. 60

II. *Remuneration.*

Sworn Surveyor, in addition to Fees in
Clause, entitled, while surveying, to competent
Board, and able Assistants to perform manual
Labour.
No. 27. s. 2.i. 61

SURVEYOR, III.

III. *Documents of Survey.*

Surveyor to deliver one Copy signed, of
Survey of Land, to Party,—file another in
Registrar's Office, and enter third Copy in
Book kept by Surveyor or jointly by Surveyors.

Lands progressively laid-out, to be laid-down
in General Map; two Copies of each General
Map to be drawn, one for Governor, and one
for Registrar.

No. 27. s. 3.i. 61

TAXES (A) ANNUAL TAX ON LAND AND PRODUCE.

I. *Amount.*

1799—On each Acre of Land in Possession, one
Farthing, annually; on each Hundred-weight
of Sugar, one Penny; every hundred Gallons
of Rum, three Pence.

No. 539. s. 1.ii. 336

II. *Account, Recovery, Remission, Applica- tion—See ANNUAL TAX, II. etc.*

TAXES (B) EXPORTS.

Custom to the King on Produce exported.

1.

1668—On Produce of the Island exported, Custom
of $4\frac{1}{2}$ per Cent. to be paid to the King, his
Heirs, and Successors.

No. 6. s. 2.i. 49

2.

Goods shipped before Payment, or Tender
of Duty; to be forfeited.

No. 6. s. 3.i. 49

3.

Governor to collect Duty without Charge.

No. 6. s. 3.i. 49

TAXES (C) IMPORTS.

[*And see MADEIRA AND WESTERN ISLAND
WINES.*]

I. *Table of Duties.*

1.

1697—LIQUORS. Tun of *French, Rhenish*, or
Spanish Wines in Cask, 8*l.*; 2*s.* per Dozen,
bottled.

bottled.—Tun of Beer, Ale, or Cyder in Cask, 40s.; 1s. per Dozen, bottled.—Gallon of Mum, 4d.—Gallon of Brandy, 2s. 6d.—Gallon of Rum, 2s.

No. 102. s. 2.i. 113

2.

1721—PRODUCE OF FRENCH COLONIES. Refined or Loaf Sugar, 9d. per lb.—Powdered Sugar, 4½ per lb.—Strained or *Muscovado* Sugar, 5s. per Hundred-weight, gross. Molasses, 3d. per Gallon. Rum, 6d. per Gallon. Cotton, 6d. per lb. Ginger, 5s. per Hundred-weight.

No. 169. s. 2.i. 203

II. Duty and Powers of Officer appointed as in CUSTOMS (OFFICER OF.)

1.

In ten Days after entering on Office, to take Oath to execute Act.

No. 169. s. 8.i. 205

2.

1697—To administer OATH to Mariner entering *Madeira* Wine. [And see *MADEIRA AND WESTERN ISLAND WINES*, III.]

No. 102. s. 5.i. 114

3.

To administer OATH to Mariner, on clearing-out Vessel by which Liquors were imported. Not to grant Certificate of Clearance till Oath taken.

No. 102. s. 6.i. 114

4.

1721—To take Charge, *on-board*, of *French* Colonial Produce, and to keep it, when landed, in the King's Warehouse, till reexported; and for Storeroom, Owner shall pay reasonably.

No. 169. s. 9.i. 206

III. Penalties for running Liquors—Application.

1.

1697—Liquors unladen before Entry, or Payment of Duty; to be forfeited,—Two-thirds to Treasury,—Third, to Informer or Seizer.

No. 102. s. 3.i. 113

2.

1743—Rum taken out of importing Vessel, without the Presence of Collector, or Notice, or Entry, or Payment of Duty; to be forfeited to Uses in 1.

No. 196. s. 4.i. 283

IV. Search of suspected Place—Condemnation of Liquors.

1697—Officer, or his Agents, and Informer, having Warrant from Justice; authorised, with Constable or Constables, to search suspected Place, for Liquors concealed contrary to Act. Search, in three Days after Information. Liquors found may be condemned in Court of Admiralty, or other Court of Record.

No. 102. s. 4.i. 113

V. Conditional Remission of Duty.

1.

DECAYED LIQUORS. On Liquors become sour or unmerchantable, if Oath made that they decayed in a Month after Landing, and that no Act was used to increase the Quantity; whole Duty to be remitted.

No. 102. s. 8.i. 115

2.

DRAWBACK ON WINES. When Wines reexported in six Months, half Duty to be remitted, on Quantity sworn-to before Collector.

No. 102. s. 9.i. 115

VI. Periods for Entry of particular Commodities—Penalties.

1.

1721—FRENCH COLONIAL PRODUCE. Entry in twenty-four Hours after Arrival of Vessel, and before Landing Goods,—or, importing Vessel and Cargo, to be forfeited.

Vessel receiving Goods without Entry, or under Colour of fraudulent Entry; liable to same Penalty as importing Vessel.

No. 169. s. 5.i. 204

2.

But Entry—by receiving Vessel—in twenty-four Hours; will avoid Penalty.

No. 169. s. 6.i. 205

VII. Periods for Payment of particular Duties—Manner of Payment.

FRENCH COLONIAL PRODUCE. In two Days after Importation; in Money, or in Commodities at current Price.

No. 169. s. 4.i. 204

VIII.

VIII. *Circumstances constituting Importation of particular Commodities.*

1.

1743—FOREIGN RUM. Rum not the Produce of *Antigua*, brought into Harbour, either to be landed, or shipped into other Vessel, to be exported, or expended in such Vessel; incurs Duty in I. 1.

No. 196. s. 3. i. 282

2.

1721—FRENCH COLONIAL PRODUCE. Vessel anchoring on the Coast, or Vessel receiving Commodity in Bay or Anchoring Place; constitutes Importation.

No. 169. s. 6. i. 205

3.

Ship coming into Harbour in Distress; not an Importation. Such Vessel may sell part of her Cargo to refit, paying Duties in I. 2.

No. 169. s. 10. i. 206

IX. *Warehousing particular Commodities.*

FRENCH COLONIAL PRODUCE. As in II. 4.
No. 169. s. 9. i. 206

X. *BURDEN OF PROOF in particular Cases.*

That Commodities seized are not French Colonial Produce; to lie on Owner. Claimant to be reputed Owner.

No. 169. s. 6. i. 205

XI. *Court of Condemnation.*

1697—Condemnation of Merchandize, or Vessel, of Party infringing Revenue Regulations, may be pronounced either in Court of Admiralty or other Court of Record.

No. 102. s. 4. i. 113

1721—No. 169. s. 5. i. 204

XII. *Persons authorized to seize and inform, under Act No. 169.*

Such Persons as, by the Statutes of *Great Britain* called the ACTS OF TRADE, are empowered to seize and inform.

No. 169. s. 7. i. 205

TAXES (D) IMPORTS REEXPORTED.

Produce of French Colonies.

1721—On Reexportation to British Colonies in America; to pay ENUMERATED DUTY under British Statute, 25. Car. II., where Produce of *Antigua* so exported would pay such Duty.

Vessels exporting; to give same Sureties, and liable to same Forfeitures, as Vessels exporting Produce of *Antigua*, under Statutes of *Great Britain*.

No. 169. s. 3. i. 204

TAXES (E)

LICENSES TO RETAILERS OF LIQUORS.

I. *Table.*

1.

1788—COMMON LICENSE. Tavernkeeper, Retailer of Wine in private House; and Punchhouse-keeper; to pay, for LICENSE FOR SIX MONTHS, granted under LICENSE (A) I., as follows:

TAVERNKEEPER.

In *St. John's Town*, or within three Miles, 10*l*.

Within three Miles of *English Harbour*, (*Falmouth Town* excepted) 10*l*.

In *Parham*, 3*l*.

In other Towns, 10*s*.

RETAILER OF WINE IN PRIVATE HOUSE.

In *St. John's Town*, or within three Miles, 5*l*.

Within three Miles of *English Harbour*, (*Falmouth Town* excepted) 3*l*.

In *Parham*, 2*l*.

In other Towns, 10*s*.

SELLER OF RUM PUNCH ONLY.

In *St. John's Town*, 5*l*.

Within three Miles of *English Harbour*, (*Falmouth Town* excepted) 5*l*.

In *Parham*, 2*l*.

In other Towns, 10*s*.

No. 456. s. 1. i. 543

2.

1788—SPECIAL LICENSE FOR SPIRITS. For every License under LICENSE (A) III.; 10*l*.

No. 456 s. 7. i. 547

II.

TAXES (E) II.

II. *Receiver of Sums in I.*

1788—Treasurer, as in LICENSE (A) I. III.
No. 456. s. 1. 7.i. 543. 547

III. *Application.*

I.

From Revenue under Act,—[which comprehends, with Receipts under I., the *Duty* in TAXES (F) I. and the *Public Moiety of Fines* in LICENSE (A) V.,—]Treasurer to retain $2\frac{1}{2}$ per Cent, for Services under Act.

No. 456. s. 12.i. 550

2.

Remainder, applicable to Public Charges.
No. 456. s. 15.i. 550

3.

1796—If Duty exceed Annuity of 1000*l.* to Governor; three-fourths of Surplus, to be applied to Arrears of Nightly Watch in *St. John's*.

No. 508. s. 3.i. 248

[*And see PENSIONS AND PUBLIC ANNUITIES*
(A) II. 4.]

TAXES (F) SPIRITUOUS LIQUORS RETAILED.

I. *Rate of Duty.*

1788—Tavernkeeper, &c. selling less than forty Gallons of Spirituous Liquors at one time; to pay 9*d.* per Gallon Duty.

No. 456. s. 6.i. 546

II. *Collection.*

Treasurer to enforce Payment of Duty as in LICENSE (A) IV. 4.

No. 456. s. 8.i. 548

III. *Application—See TAXES (E) III.*

TAXES (G) SUGAR RETAILED.

I. *Rate of Duty.*

1801—Retailer of *Muscovado* Sugar, selling less than 100*lb.* at once; to pay Sixpence per 100*lb.* on Quantity sold.

No. 554. s. 1.ii. 389

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TAXES (G) II.

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II. *Account, Payment, and Application—See SUGAR (REGULATIONS ON RETAILERS, III. IV. VI.)*

TAXES (H) PENALTIES ON DEFICIENCY OF WHITE SERVANTS.

[Penalties on Deficiency of CISTERNs, and other Penalties payable into the Public Treasury, but not recapitulated as *Taxes*, will be found under their proper Titles.]

I. *Proportion to be kept—Penalty.*

1792—As in WHITE SERVANTS IN RELATION TO THE POPULATION, III. IV.

No. 483. s. 1. 2.ii. 131

II. *Tax on broken Number—See WHITE SERVANTS IN RELATION TO THE POPULATION, V.*

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1.

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2.

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3.

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1.

1779—CASH. In general Scarcity, Commander-in-Chief of *Leew. I.* President and Council of *Antigua*, and Speaker of Assembly, authorized to borrow Loan from *Great Britain* not exceeding 20,000*l.*; by drawing Bills on Royal Treasury.

Produce of Bills negotiated, to be expended in Purchase of Food for Slaves, and Food distributed from Public Granaries—Owners to pay by Instalments.

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2.

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1803—Inhabitants having accounted or paid Fines under No. 295. and No. 422, released from Fines which might be claimed under other Acts. Unsettled Accounts may be adjusted under No. 422.

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TEN-ACRE LANDS.

I. *Origin of the Tenure.*

1700—Lands on which four Years' Public Taxes should remain in Arrear on 23d March, 1701; to be distributed in Parcels of *ten Acres*, to poor Settlers,—preferring Soldiers of the King's Regiment going to be disbanded.

No. 118. s. 3.i. 129

II. *Title.*

Warrant recorded in Register's Office, (in distinct Book,) with Surveyor's Return; sufficient Title to Grantee, and *Heirs*.

No. 118. s. 4.i. 129

III. *Conditions of Tenure.*

1.

Estate not subject to Alienation or Debt. On Desertion, or Failure of Issue of Party, or on desertion by *Heirs* or Claimants twelve Months; to revert and be re-distributed by Governor, Council and Assembly.

No. 118. s. 5.i. 130

1747—No. 199. s. 2.i. 293

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Persons

2.

1747—Persons (except Infants) *not occupying*, and Persons *leasing* Public Lands; Deserters.
No. 199. s. 4.i. 293

3.

1701—Settlements neglected for six Months to vest in the King, and be redispensed of according to No. 118.
No. 123. s. 4.i. 134

IV. *Civil Rights of Tenants.*

1700—Vote, and Exemption from Arrest, as other Freeholders.
No. 118. s. 7.i. 131

V. *Dower.*

1747—Widow of Possessor of small Parcel of Public Land; divested of Dower; to receive 30*l.* from Treasury in lieu.
No. 199. s. 5.i. 294

VI. *Multiplication of Ten-acre Estates.*

1700—Governor, Council, and Assembly may, from time to time, order Treasurer to purchase Tracts of Land to be distributed and registered as in I. II.
No. 118. s. 8.i. 131

VII. *Commission of Enquiry.*

1701—Governor, Council, and Assembly may nominate Commissioners, to examine Progress of *Settlement by Soldiers*.
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VIII. *Lands at English Harbour.*

1.

1743-4—Part of Lands vested by Act to Public Uses; grantable, in Parcels of ten Acres, as in I. II. III.
No. 197. s. 7.i. 286

2.

Piece nearest Cisterns, consisting of ten Acres; forfeitable, if Possessor accessory to Damage of Cisterns.
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TENDER.

[*And see* COURT (F) V.]I. *Legality of Tender—Appraisement of Price.*

1791—Tender of Produce of *Antigua*, (except Contract to the contrary;) legal.

Tender, at Paying-place in Town; *Proviso*. Notice as in Clause. Debtor and Creditor to chuse, each, Appraiser, giving him three Days Notice in Writing. Parties to apply to Magistrate for Nomination of Umpire; if either neglect, the other may apply. On one Appraiser's Default, the other may act. If Appraisers disagree, Umpire to act. Appraiser, in four Days from Appraisement, to take OATH. Justice to sign Certificate of Oath without Fee. Penalty on Justice, and on Appraiser or Umpire refusing to act. But Appraiser not bound to attend *oftener than once in seven Days*; or to travel *more than ten Miles*.
No. 475. s. 149.ii. 88

II. *Default in Tender.*

Debtor, giving Notice, and not having Tender ready in merchantable Casks or Packages; to forfeit 3*l.*, recoverable by Complaint.
No. 475. s. 150.ii. 90

III. *Limitations of Tender.*

Tenders to be in following Quantities, *min.*—SUGAR, in Cask of 500*lb.* nett.—RUM, in Cask gauging sixty Gallons.—MOLASSES, in Cask of 100 Gallons.—COTTON, in Bag weighing 150*lb.* nett.—GINGER, 1000*lb.*
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IV. *Tender after Action.*

If Tender after Action; Costs, payable in Gold and Silver.
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THEFTS (PETTY.)

Stealing Fish-tackle.

1702—Stealing Fish-pots, or Fish-nets or their Contents; punishable by Public Whipping on
next

next Market Day after Proof of Offence before Justices.

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THIBOU'S CREEK BRIDGE.

I. Original Erection.

1777—Stone Bridge to be built. Commissioners named, empowered to purchase Land, and to contract for building Bridge; to draw on Treasury for Payment.

No. 381. s. 1. 2. 3. 4.i. 437—440

II. Repair.

Bridge, under Charge of Waywardens of St. John's and New Divisions; and reparable as in BRIDGES.

No. 381. s. 5.i. 440

TITLE.

[And see TEN-ACRE LANDS.]

I. By Possession.

[And see LIMITATION OF ACTIONS, II. 2.]

1.

1676—Possession and quiet Enjoyment for five Years; good Title,—except against Person recovering from legal Disability prosecuting Title in Year after,—and except against Person in the King's Service abroad, or confined abroad.

No. 39. s. 2.i. 69

2.

Five Years' Possession; Bar to Action,—unless Term of Possession occurred while Plaintiff was Minor, under Coverture, or insane,—or unless Defendant held, during such Term, as Agent for Plaintiff, or as Tenant by a particular Estate which had expired.

No. 39. s. 11.i. 73

II. By Grant—General Conditions of Tenure.

1.

PLANTATION. Claimant under Grant posterior to 10th April, 1668, whether as Grantee or Purchaser; to bring-on one Servant or Slave, for every ten Acres.

No. 39. s. 3.i. 70

2.

1679—HOUSE IN TOWN. Grantee of Land in Town; to build, in Time limited by Grant, framed and shingled House,—or Brick or Stone House, not thatched,—thirty Feet long, fifteen broad. [And see VI.]

No. 50. s. 2.i. 78

1702—No. 126. s. 9.i. 137

3.

WHARF. Conditions of Tenure,—with Extent of Patentee's Estate; as in WHARF, I. II. III.

No. 126. s. 36. 37.i. 144

1784—No. 428. s. 6.i. 512

4.

1702—COOPER'S WORKSHOPS. Tenure as in FIRE (B) I.

No. 126. s. 35.i. 144

III. By Descent, &c. by Recovery under Process at Law.

1698—Certificate from Secretary's Office, as required by former Law; not necessary to complete Title.

No. 106. s. 8.i. 118

IV. By Purchase—See DEED, and EXECUTION, XVIII. 1. 2. and VI. infra.

V. By Devise—see DEVISE.

VI. Forfeited Lands.

1.

1747—Proportion of Land in Town built-on according to II. 2, suffered after to lie ruinous two successive Years; deemed Waste. Provost Marshal, knowing, or informed by credible Person, that House has so lain ruinous; to sell Proportion to highest Bidder. Sale, at Sunset, after Notice ten Days, min. by three successive Publications, describing Proportion, and appointing Time and Place. Publications to be posted as directed.

Marshal to give Receipt describing Land sold, and pay Purchase Money into Treasury, retaining five per Cent.

No. 199. s. 8.i. 295

2.

Purchaser,—on Petition to resident Commander-in-Chief and Council, with Receipt annexed,—to have Grant, and gain, by building

ing as in II. 2., Inheritance for ever,—unless again forfeited by Waste under 1.

No. 199. s. 9.i. 296

3.

1747—Suits for Land sold under 1, or for Dower therein; to be defended by Treasurer.

Plaintiff making Title; to recover—not the Land, but—Sum raised by Sale, deducting one-sixth, where Dower. [And see DOWER, VI.]

No. 199. s. 10.i. 296

4.

Action for Value of Land or Compensation for Dower, not brought in three Years after Sale, or after Removal of Disability; barred.

No. 199. s. 12.i. 296

VII. Mode of making Claim—See CLAIM.

VIII. Ejectment on Title—See EJECTMENT, II.

TOWNS.

I. Trading and Paying Places.

1.

1675—In addition to *Falmouth* and *St. John*, Four Towns or Places of Trade, viz. *Bridge Town* in *Willoughby Bay*, *Carlisle Road*, *Parham* Landing-place in *North Sound*, *Bermudian Valley*.

No. 33. s. 3.i. 63

2.

Freeholder not restrained from selling, at other Place, personal Goods not dealt-in for Advantage. Party to make Oath as to Matter, if required.

No. 33. s. 4.i. 63

3.

Foreign Traders to bring Goods to one of the six Places.

No. 33. s. 5.i. 63

4.

Goods sold or landed at other Place; forfeited, one Moiety to Informer, one to the Public.

No. 33. s. 6.i. 64

5.

Ships trading to *Antigua*, to anchor in one of the six Places, and Masters to enter Vessels in *Naval Office*.

No. 33. s. 6.i. 64

TOWNS, I.

6.

1675—Public Storehouses for Tobacco abolished.

No. 33. s. 8.i. 65

7.

Payments to be at one of the six Places.

No. 33. s. 8.i. 65

8.

Act not to affect Bargains for Commodities the Growth of the Island,—which may be delivered any where in *Antigua*.

No. 33. s. 9.i. 65

II. Buildings or Streets.

[And see GRANT OR WARRANT FOR LAND and TITLE, II. 2. 3. 4.]

1.

1702—Provost Marshal, under Writ from Governor, to summon Jury of Freeholders and sworn Surveyor, to lay out Streets, Lanes, and Market-places wanted.

No. 126. s. 2.i. 136

2.

Lands laid out to be valued by Jury. Owner to be paid from Treasury.

No. 126. s. 3.i. 136

3.

Surveyor to register Platts of Towns laid out by Jury.

No. 126. s. 8.i. 137

4.

When Lands selected for Public Use, Buildings to be removed in three Years.

No. 126. s. 5.i. 136

5.

On Expiration of Time, Land and Buildings to be valued by Jury, and paid for by the Public.

No. 126. s. 6.i. 137

6.

No House to be pulled down but under Townwarden's Order. Constable to obey Order under Penalty of 20*l*. Persons resisting Constable, to forfeit 50*l*.

No. 126. s. 33.i. 143

III. Encroachments.

To be removed in a Week after Notice; or be pulled down without Compensation.

No. 126. s. 7.i. 137

IV.

IV. *Thatched Buildings.*

- 1702—To be removed in a Week after Notice; or be pulled down without Compensation.
No. 126. s. 7.i. 137

V. *Townwardens.*

[*And see, for St. John's, HARBOUR-MASTER OF ST. JOHN, and ST. JOHN (B) XIII.*]

Vestry of each Parish, immediately after electing Churchwardens, to chuse two *Townwardens*, or *Surveyors*, to take charge of *Towns* and *Harbours*. [See *HARBOUR (A)*.] *Townwardens*, on Notice of Election from Constable, to be SWORN before Justice.

Townwardens may, annually, assess *Proportion of Land built with Tenement* according to yearly Rent not exceeding 25s. and *unbuilt Proportion* not exceeding 12s. Money or Negro Labor; to be expended in building *Shambles*, making *Common Sewers*, mending *Streets*, cleaning *Town Lands*, digging *Ponds* for *Water, etc.*

Townwardens, liable to Presentment for Neglect.

- No. 126. s. 11.i. 138

VI. *Waste or forfeited Lands*—See *TITLE, VI.*

TRANSIENT.

I. *Court Merchant.*

- 1717—Transient, about to depart; may sue and be sued as in *COURT (F)*.

- No. 158. s. 2. & seq. and Referencesi. 189

II. *Transient Tax*—See *ST. JOHN (B) VIII.*III. *Martial Law*—See *MILITARY DETAILS (B) II. (C) II.*

TREASURER.

I. *Duties and Powers.*

[*And see the various Titles.*]

1.

- 1716—WHITE SERVANTS. To execute Details in *WHITE SERVANTS, ETC. I. II. VI. VII. etc.*

- No. 153. s. 4. & seq. and Referencesi. 183

2.

- 1784—HARBOURS. To lay Information against Harbour-master for Neglect of Duty.

- No. 428. s. 16.i. 515

3.

- 1788—LIQUOR LICENSES AND DUTIES. To grant Licenses as in *LICENCE (A) I. III.* and collect and apply the Duties as in *LICENSE (A) IV. 4.* and *TAXES (E) III.*

- No. 456, *passim*, and Referencesi. 543

4.

- 1800—MILITIA. To take Measures prescribed for recovering Fines, incurred by Absence or unmilitary Appearance.

- No. 545. s. 2. 4. 5. 6. 7.ii. 359—364

5.

- 1793—Out of Fines from Militia (and, on their Deficiency, out of Public Monies,) to purchase Military Articles in Clause.

- No. 485. s. 30.ii. 156

6.

- 1798—CISTERNs. To execute Details in *CISTERNs, ETC. VI.*

- No. 524. s. 2. 3. and Referencesii. 291, 292

7.

- 1799—ANNUAL TAX. To execute Details in *ANNUAL TAX, II. etc.*

- No. 539. s. 2. & seq.ii. 336

8.

- 1801—STREETS OF ST. JOHN. To execute Details in *St. John (B) XIII. 6. 7. 8. 9.*

- No. 556. s. 8. 9. 16.ii. 400, 401, 403

II. *Fees.*

[*And see TAXES (E) ETC. and the various Titles.*]

1.

- 1793—MILITIA FINES. Two and a half per Cent. on Receipts.

- No. 485. s. 68.ii. 190

2.

- 1799—ANNUAL TAX. For Collecting the Tax; two and a half per Cent. on Receipts.

- No. 539. s. 23.ii. 346

3.

For Inspection and Copies of Record of Returns; similar to Fees in Registrar's Office.

- No. 539. s. 26.ii. 347

III.

III. *Place for Papers on Invasion or Insurrection.*

1793—Treasurer to remove Papers and Records to Council Room in Court-house.

No. 485. s. 39.ii. 161

TREBLE COSTS,

PERSONS WHO SHALL RECOVER THEM.

[*And see the various Titles.*]

I. *Defendants.*

1.

Persons sued for executing the Acts of which the following Clauses are Portions.

1723—No. 176. s. 42.i. 230

1724—No. 180. s. 28.i. 240

1757—No. 212. s. 6.i. 340

1784—No. 425. s. 11.i. 497

1798—*Leew.* I. No. 36. s. 50.i. 42

1801—No. 551. s. 8.ii. 383

2.

1723—Defendant sued on security for more than 7l. lost at Play.

No. 175. s. 5.i. 213

3.

1794—Defendant to Prosecution under **STOLEN** Goods, II. when Charge not established.

No. 494. s. 4.ii. 221

II. *Prosecutors.*

1723—Prosecutor of Gamester winning Money illegally.

No. 175. s. 5.i. 213

TRESPASS (BY CATTLE).

[*And see POUND AND POUNDKEEPER.*]

I. *Stock trespassing.*

1.

1697—May be taken by injured Party's Order, and impounded. [*See POUND AND POUNDKEEPER, IV. 4.*]

No. 97. s. 2.i. 105

TRESPASS, I.

2.

1697—Not to be killed—except Hogs and Goats; under Penalty of forfeiting double Value.

No. 97. s. 3.i. 106

3.

1740—**HOGS AND GOATS.** Possessors of Land, or their Servants, may kill Hogs and Goats trespassing. Hogs and Goats killed, not fetched away in two Hours, the Property of Taker. Act to bar Prosecution; and Defendant to have double Costs.

No. 193. s. 7.i. 269

II. *Satisfaction for Trespass.*

[*And see VIII.*]

1.

1697—Justice to issue Warrant to three Freeholders to appraise Damages;—and direct Execution by Constable for double Damages found.

Goods seized, to be delivered in Satisfaction —[*See 3.*]

No. 97. s. 4.i. 106

2.

Person disobeying Precept to appraise; to forfeit 30s.

No. 97. s. 5.i. 106

3.

1740—Person unwilling to accept Goods of Trespasser, according to 1. *second Paragraph*; may require acting Constable to convert, by Sale, Goods to Money. Sale as in Clause. After Payment of Damages and Costs, Surplus to Owner.

No. 193. s. 8.i. 269

4.

FEES OF JUSTICE AND CONSTABLE. Justice's Fees for Process, Execution, and Warrants; not to exceed 6s.—Constable's Fees not to exceed 6s. for serving Warrants and Summonses,—eight *per Cent.* on Levy. No Allowance to *Appraiser*. Costs leviable as Damages.

No. 193. s. 9.i. 270

III. *Owner residing in another Division.*

1697—If Trespass of Cattle be in one Division, and Owner reside in another; Justice, where Damage done, to certify to Justice where Owner lives.

Latter Justice (after Notice to Defendant) to proceed as in II. 1.

No. 97. s. 7.i. 107

IV.

IV. *Cattle too wild to be pounded.*

—On proof of Damage, notwithstanding Cattle not pounded, Justice to award double Damages.

No. 97. s. 6.i. 106

V. *Cattle unclaimed.*

If Stock lie till Damage and Fees amount to or exceed their Value; Justice by two Freeholders, to Value and give Stock to Pound-keeper and Party injured, in proportion to Sums due.

No. 97. s. 10.i. 108

VI. *Rescue of Cattle.*

Person *interested*, rescuing Cattle going to Pound; to forfeit treble Damages. Person *not interested*, quadruple Damages. Insolvent Rescuers, to be bound-over to next General Sessions, for Punishment.

No. 97. s. 11.i. 108

VII. *Pound-breach.*

Free Person, or Servant, or Slave, breaking Pound; to be bound-over to General Sessions, to satisfy Party injured, and pay Fine to the King, or be otherwise punished.

No. 97. s. 13.i. 109

VIII. *Damages exceeding 1000lb. of Sugar.*

1.

When incurred *simply by Trespass*, to be recovered by Action.

[Tenor of No. 97.i. 105]

But where *Party Poor*,—Certificate of Justice, that two Freeholders had, on Oath, found Damage; sufficient Evidence to Jury. Issue, entered in time, to be tried first Sitting.

No. 97. s. 15.i. 109

2.

When Excess above 1000lb. of Produce, or 6l. 6s., is occasioned by Damages from *Rescue*, by *Pound-breach*; or by *Long-lying in the Pound*; added to Damages by *Trespass*;—or where *Owner residing in different Division has not sufficient to distrain-on where Damage happened*;—Recovery, under Justice as in II. as though Damage did not exceed Limitation.

No. 97. s. 12.i. 109

VOL. II.

TRESPASS (ON THE CASE.)

[And see LIMITATION OF ACTIONS, III.]

Plea of Disclaimer.

1718—Plea disclaiming Title to Land, if Trespass be involuntary, and previous Tender of Amends; to bar Action.

No. 163. s. 15.i. 198

VARIANCE.

I. *Not vitiating Judgment on Verdict.*

1791—Judgment on Verdict in C. P. not to be stayed or reversed for Variance in Writ.

No. 475. s. 169.ii. 100

II. *Amendment of Writ of Error—See COURT (D). X.*

VESSEL.

[And see HARBOUR (A) and (B); GUNPOWDER-DUTY I. II. III. IV. and FUGITIVE DEPARTURES, ETC. I. 2. 3. 4. 5.]

I. *Vessel arriving.*

1.

1675—To come to Anchor in Harbour or Road belonging to one of the six Places in TOWNS I. 1. Master to enter Ship in Naval Office.

No. 33. s. 6.i. 64

2.

1669—To procure from Governor *License to trade*; and to give Bond as in FUGITIVE DEPARTURES, ETC. I. 1.

No. 17. s. 3.i. 54

3.

1769—Part of Condition of Bond mentioned in 2. to be,—that Master shall, by Provision for Sailors, prevent any from being chargeable to Parish in *Antigua*, within six Months after Departure of Vessel, except Sailor having legal Settlement.

No. 314. s. 7.i. 397

4 I

II.

II. *Boat or Vessel not registered under
BRITISH NAVIGATION ACT.*

1.

1793—PAINTING STERN, ETC. Resident Owner of Boat *without Deck or under fifteen Tons*, (not required to be registered by British Act of 26. Geo. III. Cap. 69.) to have *Name of Owner* painted on Stern—unless Boat belong to registered Vessel or Drougher; in which Case, *Ship's Name* to be painted in lieu of Owner's Name.

No. 486. s. 2.ii. 206

2.

Owner of Boat,—not possessing Freehold of 20l. *per Annum*, or Leasehold Plantation,—or not being resident Merchant Importer; to lodge Description of Boat in Secretary's Office, and paint Stern.

No. 486. s. 3.ii. 206

3.

Owner, having lodged Description of painted Boat as in 2.; to apply to Justices for Certificate of Character. After which, Secretary, for Fee of 4s. 6d., to grant CERTIFICATE of Registry of Description, and of Justice's Certificate.

No. 486. s. 4.ii. 207

4.

SEIZURE OF UNPAINTED BOAT. White or free Person; discovering, within League of Coast, Boat without Owner's or Ship's Name painted on Stern; may seize Boat. Information of Seizure, to be lodged with Justice in eighteen Hours.

No. 486. s. 5.ii. 207

5.

Justice to insert Notice in earliest Newspaper, for Owner to claim Boat in six Days. On failure of Claim; Justice, being paid Expenses, to award Boat to Seizer.

No. 486. s. 6.ii. 208

6.

If Claimant appear and establish Ownership,—and prove Qualification in 2., or, not qualified, produce Certificate of Registry; Justice, on Payment by Owner to Person seizing of 6l. 12s. and Expenses of Notice, to restore Boat.

No. 486. s. 7.ii. 208

7.

1793—If Justice receive credible Evidence on Oath, contradicting Information; he may restore Boat without examining Owner's Qualification.

No. 486. s. 8.ii. 209

8.

If Justice issuing Notice, ill or absent; other Justice may proceed on Information.

No. 486. s. 10.ii. 209

9

EXEMPTION. Act not to extend to Boats of Vessels from *British Dominions*, landing Passengers, or taking Refreshments under Permit.

No. 486. s. 9.ii. 209

10.

1800—BOAT PLYING FOR HIRE. Owner of Boat plying in *St. John's Harbour*; to observe Regulation in PORTERS, ETC. IV.

No. 546. s. 8.ii. 372

11.

SEIZURE OF BOAT ON SUSPICION. Harbour-master—or free resident Inhabitant—or Master or Mate of registered Vessel—may seize Boat engaged in illicit Practices, suspected of bearing forged Names or Numbers, navigated by unlicensed Watermen, or abandoned by suspected Parties. Boat; to remain, or be placed under Care of Harbour-master. Harbour-master to make Report. Justices, after Investigation, to restore or confiscate Boat.

No. 570. s. 1.ii. 441

12.

Harbour-master, six Days before Trial, to advertise Detention, &c. in Newspaper, that Parties may attend and claim. Justices to return Proceedings to Secretary; and authorize Boat confiscated to be burned or sold by Outcry by Marshal, at Place and Time appointed by Harbour-master. Proceeds of Sale, to be distributed as in Clause.

No. 570. s. 2.ii. 442

III. *Trading in Boats with Crews prohibited.*

1773—No Person to trade, in Boat or Vessel, with Crew in *St. John's Harbour*, under Penalty of 10l.; if no Distress, Imprisonment; if Slave, fifty Lashes.

No. 351. s. 4.i. 425

VICTUALS.

VICTUALS.

[*And see* MARKET; HAWKING AND PEDLING, ETC.; BREAD AND BAKER; *and* FISHING-NET AND FISH, IV.]

Modified Liberty to sell.

1792—Free Inhabitant of *St. John's*, may sell or expose to Sale in his Dwelling-house, Yard, or Shambles, Ox, Cow, or Calf slaughtered on Vendor's Account.

Person, generally, may agree with Person for *immediate* Sale of Meat, Flesh, or Victuals, without hawking or exposing them to Sale.

Meat, Flesh, or Victuals which have not been sold in Market-house before eleven in the Forenoon, may be afterwards exposed to Sale as if Act had not been made.

No. 484. s. 7.ii. 135

VIEW BY JURY.

Landed Property litigated.

1791—Court may order View, of Messuages or Lands, by six or more of Jury appointed to try Issue. Party applying for View; to pay Expense and furnish Surveyor. Marshal's Summons for View, to give three Days Notice. Juror not attending; to forfeit 10*l*.

No. 475. s. 66.ii. 39

WATERMAN.

I. *Slave to be licensed.*

1800—No Slave to ply, without License and Badge, as in PORTERS, ETC. I.

No. 546. s. 1. & *seq.* and References....ii. 368

II. *Registry of Boat.*

As in PORTERS, ETC. IV.

No. 546. s. 8.ii. 372

III. *Fares.*

As in PORTERS, ETC. V.

No. 546. s. 9. 10.ii. 373

WAYWARDENS.

I. *Appointment.*

1.

1724—Justices, at Sessions after *Christmas*, to appoint three Waywardens in each Division, except *St. John's*—*See* 2.

No. 180. s. 3.i. 232

2.

1753—Justices of K. B. and Grand Sessions, to appoint six Waywardens for *St. John's*.

No. 204. s. 4.i. 317

3.

1724—Clerk of the Crown, to give Notice of Appointment.

No. 180. s. 4.i. 233

II. *Powers and Duty.*

1.

Charged with Repair of *Highways*—*See* HIGHWAYS.

2.

Charged with the Repair of *Bridges*—*See* BRIDGES.

III. *Refusal to serve.*

Penalty, 50*l*.

No. 180. s. 5.i. 233

WEIGHTS AND MEASURES.

I. *Standards.*

1702—Majority of Committee, (three Members of Council, and three, of Assembly,) to appoint Standard Weights and Measures,—to be in Custody of Clerk of the Market.

No. 126. s. 28.i. 142

II. *Receiver to chuse the Scale.*

Receiver of Money, or any Commodity weighed; to place it in which Scale he thinks fit.

No. 126. s. 29.i. 142

III. *Steelyards prohibited.*

- 1702—Penalty, 20s. — payable to Clerk of the Market.
No. 126. s. 24.i. 141

WESTERN ISLAND WINES.

[*And see TAXES (C) III. 1. IV. V.; and MADEIRA AND WESTERN ISLAND WINES, III.*]

I. *Duty.*

- 1767—Exempted from *Duty imposed by Colonial Legislature.*
No. 293.i. 383

II. *Importation in Casks of prescribed Sizes—Gauging.*

- 1800—As in MADEIRA AND WESTERN ISLAND WINES, VI.
No. 542. s. 1. & seq.ii. 353

WHARF.

[*And see HARBOUR (B) III. 2.*]

I. *Title.*

- 1702—Patentee, to build in two Years, or forfeit to such as will build.
No more Land, secured by Wharf, than it occupies.
No. 126. s. 36.i. 144

II. *Dimensions—Manner of Building.*

1.

Wharf to be raised four Feet above High-water-mark,—and carried so far into the Sea, that there shall not be, at Head of Wharf, less Depth of Water at Low Water than three Feet.

No. 126. s. 36.i. 144

2.

1784—Person running Wharf into the Sea farther than expressed in Grant; to forfeit 50*l.*

No. 428. s. 6.i. 512

3.

1702—Wharf to range with the Streets.

No. 126. s. 37.i. 144

III. *Limitation of Owner's Right.*

1.

- 1702—Passage from Wharf to the Sea, to be free.
No. 126. s. 36.i. 144

2.

Half of Wharf to be for Common Use.

No. 126. s. 37.i. 144

IV. *Ballast or loose Earth on Wharf.*

- 1802—No Sand, Ballast, Gravel, Coals, or loose Earth, to remain longer than ten Days on Wharf, unless distant twelve Feet from Front; under Penalty of 20*l.* [QUEEE. Is Clause confined to Wharf in *St. John's*?]
No. 564. s. 4.ii. 423

V. *Repair of Wharf.*

Harbour-master to inspect Wharfs in *St. John's*. Finding any in decayed State likely to injure Harbour, to give written Notice to repair in three Cal. Months. If Repair neglected,—to exhibit, in twenty-one Days, Complaint on Oath to Justice. Justice to cite Offender, and bind him, with Sureties, in 200*l.*, to appear at next K. B. and Grand Sessions. Justice to return Recognizance into Secretary's Office. Secretary, to prefer Information,—and, at Harbour-master's Requisition, to subpoena Witnesses. Defendant, convicted, to be fined 100*l.* max. 50*l.* min. Not paying Fine, to be imprisoned three Cal. Months.
No. 564. s. 3.ii. 422

WHARFINGER.

I. *Responsibility with regard to Sugars.*

- 1702—Wharfinger to provide, at his own Charge, Skids to roll Sugars on, and Tarpaulins to cover them.

If Sugars stolen, or damaged by Defect of Crane, &c., Wharfinger to make Compensation.

No. 126. s. 38.i. 145

II. *Fees.*

Respecting Goods not mentioned in Docket, two Justices of Peace to appoint Fees, and determine Differences respecting Wharfage.
But

But Persons aggrieved may appeal to Commander-in-Chief of *Antigua* and Council.
No. 126. s. 42.i. 146

WHIPPER (COMMON.)

I. Appointment.

1702—Office annexed to Clerk of the Market,—in all the Towns.
No. 126. s. 23.i. 140

II. Qualification.

Not to act till sworn before Governor or two Members of Council.
No. 126. s. 23.i. 140

III. Fees.

For inflicting Punishments; to be assigned by Justices in Session, or three Justices out of Session.
No. 126. s. 27.i. 142

WHITE POPULATION—REGULATIONS TO INCREASE.

[And see TEN-ACRE LANDS, VI.]

I. Employments confined to Whites.

1700—Victualler, Tavernkeeper, or Punch-seller, managing his Concern by other than White Men or Boys; to forfeit 30s.
No. 118. s. 9.i. 131

II. Employment confined to Proportion of Whites.

Owner of Vessel navigating with less than three-fourths White Men; to forfeit 30s.
No. 118. s. 9.i. 131

III. Employments prohibited to Slaves.

1757—Person employing Slave to sell or dispose of Goods in Shops, &c. (Surgeon, Apothecary, or Druggist employing Slave in making and disposing of Drugs excepted;) to forfeit 5*l.* to Informer.
No. 212. s. 8.i. 340

IV. Encouragement of Aliens to settle—See ALIEN.

V. Maintenance of White Servants—See next Title.

WHITE SERVANTS, IN RELATION TO THE POPULATION.

[For their Domestic Relation, see MASTER AND INDENTED SERVANT.]

I. Bounty on Importation of Servant—Description of Servant TO BE IMPORTED.

[And see IX. infra.]

1.

1716—Treasurer to pay Importer,—of *White Man Servant, Christian Subject of His Majesty*, not disposed of in twenty Days,—18*l.*, in fifteen Days after Delivery of Servant to Treasurer.
No. 153. s. 4.i. 183
1784—No. 422. s. 2.i. 489

2.

1740-1 — Importer of *Christian White Man Servant, indented for four Years or more, aged 15, min. 40, max.*,—on making OATH before Treasurer, that Servant is not transported Criminal, but Person of Character,—to receive from Treasurer 40*s.* additional Bounty. Treasurer to pay Bounty in twenty-one Days from Importation: but not to receive Servant before Importer has taken the Oath.
No. 194. s. 8. and Reference.i. 276

3.

Servant of Character, importing himself and paying his Passage,—on taking OATH of ALLEGIANCE and indenting with Inhabitant,—to receive, in twenty-one Days after Indenting, 18*l.*
No. 194. s. 8.i. 276

4.

1716—Servant not to be received, until Oath of Allegiance taken.
No. 153. s. 22.i. 187
1784—No. 422. s. 2.i. 489

II.

II. *Distribution of Servants.*

1.
1716—Treasurer to place Servants on Plantations deficient in armed Servants, without Charge to Proprietors receiving them.
No. 153. s. 5.i. 183
1740-1—No. 194. s. 8.i. 277

2.
1716—Commander-in-Chief, or Lieut. Governor, will cause Treasurer to be sworn to distribute Servants impartially.
Treasurer, on good Information that he has placed Servant where comparatively least wanted; to remove him in ten Days.
No. 153. s. 6.i. 184

3.
Treasurer not to replace, for two Years, Servant dying—unless every Proprietor has full Complement.
No. 153. s. 7.i. 184

III. *Proportion of Servants to Slaves.*

- 1740-1—Proprietor or Possessor of Slaves, to keep, for every *forty Slaves*, ONE ABLE WHITE MAN in constant Service.
No. 194. s. 2.i. 272
1792—No. 483. s. 1.ii. 131

IV. *Penalty on not keeping Proportion.*

- 1740-1—53*l.* 6*s.* 8*d.*, annually, for every White Servant deficient a Year, and in proportion for Part of a Year, unless fractional Time does not amount to thirty Days, in which Case no Fine is incurred.
No. 194. s. 2.i. 272
1792—No. 483. s. 2.ii. 131

V. *Tax on broken Number.*

- 1740-1—Master having *broken Number* of Slaves not amounting to, or not comprehended in Number [40] for which White Servant is to be kept; to pay 3*s.* yearly for each Slave; or, keep White Servant for *broken Number*.
No. 194. s. 4.i. 273

VI. *Annual Account of Servants and Slaves.*

1.
1801—Treasurer to accompany annual Application to Magistrates under ANNUAL TAX, II., with

blank Forms of Warrants and Returns for taking Accounts up to 25th January.

- 1801—Justices, by Medium of Constables, to summon Inhabitants to give-in, on every 25th Jan. Account, on OATH, of *Slaves, and White Men Servants and Women Servants*. Master having Subjects of Account in various Divisions; to account in Division where residing. If Proprietor absent; Agent, in *Proprietor's Name*.
No. 558. s. 1.ii. 409
1740-1—No. 194. s. 5.i. 273
1767—No. 295. s. 2.i. 387

2.
1740-1—Person not sick or under legal disability, refusing Account; to be committed till obedient. Treasurer, in Interim, may levy for Deficiency estimated on his own Information.
No. 194. s. 6.i. 276

VII. *Payment or Recovery of Sums in IV. and V.*

1.
Penalties and Taxes to be paid to Treasurer.
No. 194. s. 9.i. 277

2.
On Non-payment,—in Default of Goods,—*Lands, Tenements, and Slaves*, liable. Treasurer to levy in twenty-one Days, and proceed as in ANNUAL TAX, IV. Treasurer liable for Deficiencies through Neglect.
No. 194. s. 5. *in termino*i. 275

VIII. *Application of Penalties.*

1.
Penalties to be applied, first, in Bounties under I.; Remainder, according to TEN-ACRE LANDS, VI. or as Legislature shall direct.
No. 194. s. 9.i. 277

2.
1801—Revenue by Penalties, Fund first to be resorted to under PENSIONS AND PUBLIC ANNUITIES (A) II. 4.
No. 552. s. 4.ii. 385

IX. *Definition of White Servant, or legal Substitute, EXEMPTING FROM PENALTY in IV.*

1.
1740-1.—Indented Servant, able to bear Arms in Militia; White Man constantly employed, able to bear Arms in Militia.
No. 194. s. 2.i. 272

Tenant

2.
1740-1—Tenant of five Acres, living constantly thereon *Rent-free*; taken as Servant to Owner of Land: [*But see X.*]

No. 194. s. 3.i. 273

3.

1758—White Man navigating in Sugar Drougher, ratable as Servant to Owner of Vessel.

No. 214. s. 5.i. 349

4.

1755—Owner of Slaves, while resident, to be reckoned in lieu of one White Servant—provided Owner be not reckoned as Servant to another Person.

No. 206. s. 11.i. 323

5.

Son living with Parent, and doing Duty in Militia, to be allowed as White Servant—provided Son be not Owner of thirty Slaves or more; and provided he be not taken as White Servant on account of Slaves of his own not amounting to thirty.

No. 206. s. 12.i. 323

X. Persons excluded from rating as Servant.

1.

1740-1—Free Tenant, serving as Gunner or Matross, or in *Employment or Office of Profit* under the Crown or the Public.

No. 194. s. 3.i. 273

2.

1784—Person holding Office of *Emolument*, Civil, Military, or Parochial.

No. 422. s. 3.i. 490

3.

Person not standing in one of the following Relations; Manager, Overseer, Domestic-servant, or Shallop-master, on Wages; Indented-servant, Town-agent, Book-keeper, or Clerk, resident on Plantation, or in constant Daily-service. Nor shall Occupier of House in Town, *Rent-free* or otherwise, rate as Servant.

No. 422. s. 4.i. 491

XI. Deductions from Penalty.

1.

1740-1—Where, after Master has supplied Complement; indented Servant dies, or, without Maltreatment or Connivance of Master, ab-

sconds,—such Servant to be allowed in Account till half *unserved Time* be elapsed. Proof, by Indenture; or, if Indenture sworn to be lost, Master's Oath. Master failing to ascertain Time remaining, to pay as though Time complete.

No. 194. s. 2. 3.i. 272. 273

2.

1767—Owner of Slaves to be allowed 20*l.*, in deduction from Penalty, for every White Woman aged 14, *min.* of whatever Degree resident in his House, or on Plantation—*provided* such White Woman be not reckoned in lieu of White Servant on account of Slaves of her own. Allowance, only proportionate to Time of actual Residence.

No. 295. s. 1.i. 386

3.

Female Owner ratable in lieu of White Servant to extent of fifteen Slaves,—while resident, and not reckoned as Servant to other Person.

No. 295. s. 5.i. 388

XII. Exemptions from Tax in V.

1.

1755—Woman possessing no more than ten Slaves; exempted from Tax of 3*s.* per Head.

No. 206. s. 13.i. 323

2.

1740-1—Commander-in-Chief empowered to remit, to *petitioning indigent Owner of less than thirty Slaves*, Tax of 3*s.* per Head. Only Taxes of current Year, remissible.

No. 194. s. 13. 14.i. 279

XIII. Penalties on Officers of Justice.

1.

Justice failing to enforce Law; to forfeit 50*l.*

No. 194. s. 5.i. 274

2.

Constable disobeying Justice's Warrant; to forfeit 5*l.*

No. 194. s. 7.i. 276

WILL.

WILL.

[And see DEVISE.]

I. Form—Execution—Attestation.

1.

1786—Will of Lands, Slaves, or Tenements, must be in *Writing*, signed by Devisor, or by some Person in his Presence, and by his express Directions,—attested by one White Witness in presence of Testator;—or, Will must be *wholly written, dated and subscribed by Testator*.
No. 438. s. 3.i. 526

2.

Will of Person of Colour, may be attested by free Person of Colour.
No. 438. s. 4.i. 526

3.

If Person attest Will to whom Beneficial Devise, *etc.* be therein made; Will, as to him, void. [But see LEGACY II. 3.]
No. 438. s. 6.i. 527

4.

If Will charge Land, *etc.* with Debts; Creditor, having Debt charged, may attest.
No. 438. s. 7.i. 527

II. Revocation.

1.

No Devise of Lands, Slaves, or Hereditaments, revocable—*unless* Testator, or Person in his Presence and by his Direction, burn or cancel Will,—or Testator sign Recovation, or Alteration in the Presence of one Witness; or sign Alteration written wholly by himself.
No. 438. s. 5.i. 527

2.

No Will in Writing concerning Personal Estate, repealable by *oral Will*—*except* Proof be made by one Witness, *min.* that, in Testator's life-time, same was committed to Writing, read to, and allowed by Testator.
No. 438 s. 14.i. 530

III. Nuncupative Will.

No Nuncupative Will, containing Bequest exceeding 60*l.*, good—unless proved by at least one Person, formally *directed* to Witness it by Testator; nor unless made in last Sickness, and

in usual Habitation of Testator, or where he had been present ten Days—except Testator, from Home and surprised with Sickness, die before Return.

No. 438. s. 11.i. 529

2.

1786—When Nuncupative Will has been pronounced six Months,—no Testimony to it admissible, unless Verbal Testament, or Substance, were committed to Writing in six Days after pronounced.

No. 438. s. 12.i. 529

IV. Registry and Probate.

1.

1698—Will, exempt from *Registry by Testator*.

No. 106. s. 9.i. 118

2.

Will, of real Estate, executed in *Antigua*; not Evidence till proved before acting Governor or authorized Officer, and recorded *at length* in Registrar's Office.

No. 106. s. 12.i. 119

3.

Former Probates before Governor or Council, recorded in Secretary's Office; good.

No. 106. s. 13.i. 119

4.

1786—Probate of NUNCUPATIVE WILL, not to be granted till fourteen Days after decease of Testator, that Widow or Kindred, may enter *Caveat*. Nor till Process issued, to call in Widow or Kindred electing to contest Will.

No. 438. s. 13.i. 529

5.

1791—Probate from Prerogative Court of *Canterbury* or other Court in *British Dominions*; Evidence,—being with Will, first recorded in *Antigua*; for personal Estate, with Secretary; for real Estate, with Secretary and Registrar.

No. 475. s. 59.ii. 34

WITNESS.

[And see WILL, I. II. III.; SUBPENA; MARTIAL LAW, VI. 8.; and the various Titles.]

I. Incompetent.

1791—Person entitled to Factorage;—on behalf of his Employer.

No. 475. s. 49.ii. 28

II.

II. *Competent.*

1.

1786—Interested Witness to Will, having, *before he gives Testimony*, accepted or released—or, after Tender, refused Legacy. [*And see EVIDENCE, II. 3.*]
No. 438. s. 8.i. 528

2.

1791—Person entitled to Factorage;—for Party adverse to Factor's Employer.
No. 475. s. 49.ii. 28

3.

1794—Parishioner contributing to Rate;—in Suit, against Churchwarden of *St. John*, for Breach of Bond.
No. 499. s. 7.ii. 234

4.

1798—Slave against Slave.
No. 527. s. 4.ii. 297

III. *Witness's Expenses.*

1791—Witness to be allowed Expenses, if required in open Court.
No. 475. s. 47.ii. 28

IV. *Witness absent.*

If material Witness absent, Cause to be adjourned,—on Party desiring it paying Costs, and proving Subpoena.

No. 475. s. 47.ii. 28

V. *Depositions.*

[*And see COURT (C) V. and EVIDENCE, II. 2.*]

1.

WITNESS RESIDENT. Witness *about to leave Antigua, or from Infirmary or other Cause unable to attend Trial* in C. P. may be examined before Judge, in Presence of Plaintiff and Defendant, or the Counsel. And if Party (served twelve Hours before, with Notice and Copy of Summons) fail to attend; Deposition may be taken in his Absence.

Judge,—certifying whether both Parties attended, and whether Proof made of Summons,—to deliver Deposition, sealed and indorsed, into Secretary's Office, to be filed.

Deposition, *Evidence in Law or Equity.*
VOL. II.

1791—After Production in Court, to be recorded at Expense of Party producing.

No. 475. s. 50. 52.ii. 28. 29

2.

SUMMONS for *Witness about to leave Antigua* to give Testimony before Judge; to specify Cause, and appoint Day, Hour, and Place. Service, twelve Hours before Appearance. Witness not appearing; to be committed.

No. 475. s. 51.ii. 29

3.

Person believing *future* Suit will be instituted against him; may examine Witness *aged, sick, or going from Antigua*, according to 1. 2., as if Action actually commenced. Party desiring Summons; to make Oath of Cause of Application. Oath to be recited in Summons.

No. 475. s. 53.ii. 30

4.

WITNESS NON-RESIDENT. In Cause depending in *Antigua*, Witness resident in any one of the following Islands, may be examined—

—before Governor or Judge of K. B. C. P. or Exchequer; in one of the *Leew. I. or Barbadoes*—

—before Governor, or Judge of Court of Law; in *Grenada, St. Vincent, Dominica*, or one of the *Grenadines*—

—so as Notice be given adverse Party, viz.—if Witness in *Barbadoes*, three Cal. Months' Notice; *Grenada, St. Vincent's*, or one of the *Grenadines*, two Cal. Months'; one of the *Leew. I.*, thirty Days'.

Deposition, after being read in Court, to be filed in Secretary's Office of *Antigua*, and recorded among the Proceedings.

Copy of Record; *Evidence.*

PERJURY, if Deponent can be apprehended in *Antigua*, punishable as by *British Common Law*.

No. 475. s. 54.ii. 31

5.

Affidavit, or Affirmation, of Resident in *Ireland, British Colonies, or American United States*, Party or Witness for Party; admissible,—if made before Governor, Mayor or Judge of Place where Deponent resides, and officially certified.

Nine Months' Notice, to opposite Party, of intended Examination.

No. 475. s. 55.ii. 32

1796—No. 509. s. 4.ii. 252

6.

1791—WITNESSES FOR THE KING. May be examined in same Manner as Witnesses for Subjects.

No. 475. s. 56.ii. 33

7.

PERJURY. Of Witness making Deposition under 1. 2. 3. 5. 6.; punishable as Perjury by *English Common Law*.

No. 475. s. 57.ii. 33

WRIT.

I. *General Rules respecting Process out of C. P.*

1.

1791—FORM. Writ to proceed in the King's Name, and be tested in Chief Justice's,—on Death or Absence of latter, Puisne Justice's. To be directed to Marshal, except Subpœnas and Writs otherwise to be directed by Law.

No. 475. s. 5. 7.ii. 6. 7

2.

JUDGE'S FEE. Payable, through Medium of Secretary, as by Law or Docket.

No. 475. s. 5.ii. 6

3.

SEALING. Of Process and Exemplifications; by described Seal.

No. 475. s. 6.ii. 6

4.

SERVICE. By Marshal. [*Where Marshal Party, see PROVOST MARSHAL, X.*]

No. 475. s. 7.ii. 7

II. *Writs of Summons.*

[*And see the various Titles.*]

1.

SUIT IN C. P. Form as in Clause. Secretary's Fees.

No. 475. s. 9.ii. 8

2.

Secretary to enter Plaintiffs' and Defendants' Names, and file Declarations on Writs of Summons in Order in which they issue.

No. 475. s. 9.ii. 8

3.

1791—Service as in s. 10. [*Or see PRACTICE (GENERAL) III. 2.*] Marshal's Fees as in s. 9.

Particulars of Service, to be entered in Secretary's Book.

No. 475. s. 10. 9. 10.ii. 9. 8. 9

4.

SUGGESTING BREACHES ON ROLL. Summons to recite Judgment and Breaches, briefly,—and require Defendant, at next Court, to attend Assessment of Damages.

Service, as in PRACTICE (PARTICULAR) III. No. 475. s. 33.ii. 21

5.

DEPOSITIONS. Summons to Witness, as in s. 51. Summons to Party, as in s. 52. [*Or see WITNESS, V. 2. 1.*]

No. 475. s. 51. 52.ii. 29

[*And see XII.*]

III. *Arrest.*

[*And see PRACTICE (GENERAL) V.*]

Form as in Clause.

No. 475. s. 13.ii. 10

IV. *Subpœna—See SUBPœNA.*V. *Scire facias—See SCIRE FACIAS, I.*VI. *Writ of Execution.*

[*And see PROVOST MARSHAL, IV. 1. and EXECUTION, IV. etc.*]

1.

Common Form.

No. 475. s. 86.ii. 48

2.

Against Heir, Executor, or Administrator; special Writ to be framed to the Case, assimilating to Practice in *England*.

No. 475. s. 87.ii. 49

3.

In other Cases where common Form will not apply; special Writ, after Practice of C. P. at *Westminster*.

No. 475. s. 88.ii. 49

[*And see PAYMENT IN MONEY, I.*]

VII.

WRIT, VII.

VII. Execution against PURCHASER UNDER EXECUTION.

1791—Writ under EXECUTION, XIX.; returnable in twenty Days.
No. 475. s. 129.ii. 72

VIII. Writ of Error—See COURT (D) III. IV. V. X.

IX. Execution in Error—See COURT (D) XVI.

X. Estreating Recognizance.

Form, as in Clause. Tested, as in I.
No. 475. s. 209.ii. 115

WRIT, XI.

619

XI. Execution on Recognizance.

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ERRATA.

VOL. I.—Page 144; No. 126, s. 36, Line 12.—Between *that* and *more*, interline *no*.

VOL. II.—Page 109; No. 475, s. 196, last Line in the Crotchet.—The Reference should be s. 209.

Page 123, Line 3;—or, No. 475, Appendix, I. s. 5, Line 12. For *Executors* read *Execution*.

ADDENDA AND CORRIGENDA TO THE INDEX.

See the Titles, FUGITIVE DEPARTURES; HARBOUR (A) (B); JURY; MARKET; MARTIAL LAW; REGISTER-OFFICE; in the *Table to the Index*.

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